DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	001

3. TITLE
EMPLOYEE, UNKNOWN/Unknown/Unknown/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Initial Report	Allegation	

8. TOPIC
ICE Agents allegedly raided homes without permission and terrorized families. AL

9. SYNOPSIS
On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) - Joint Intake Specialist	19-DEC-2011	Joint Intake Center
12. APPROVED BY(Print Name & Title)	13. APPROVED DATE	15. TELEPHONE NUMBER
(b)(6),(b)(7)(C) JIC Supervisor	19-DEC-2011	No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	001

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

On December 19, 2011, the JIC received information from (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by ICE Agents in Alabama. (b)(6),(b)(7) alleged that armed ICE Agents went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

(b)(6),(b)(7)(C) letter dated December 16, 2011 is attached to the case file.

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

001

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000003

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	002

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Investigative Findings	

8. TOPIC

Coordinating interviews with CRCL and SPLC

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b) concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the discussion between ICE, Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO) and the Department of Homeland Security (DHS) Civil Rights and Civil Liberties (CRCL) Washington, D.C..

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	10-JAN-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	11-JAN-2012	No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	002

10. NARRATIVE

On December 23, 2011, Special Agent (SA) (b)(6),(b)(7)(C) OPR/NO, was contacted by Investigator (b)(6),(b)(7)(C) and Policy Advisor (b)(6),(b)(7)(C) with CRCL. CRCL advised that they will be arriving on Wednesday, December 28, 2011, to conduct interviews at the LaSalle Detention Center in Jena, La.

CRCL has asked OPR/NO to take the lead on the interview process. SA (b)(6), contacted the LaSalle Detention Center to arrange for the detainees to be available for interviews. SA (b)(6),(contacted (b)(6),(b)(7)(C) Case Manager for the LaSalle Detention Center, to have the interviews arranged along with securing an interview room. CRCL is making arrangements for the interpreters and also coordinating with the numerous attorneys' involved for the interviews. Interviews of the eight detainees will begin at 7:00 a.m. on Thursday, December 29, 2011.

(b)(6),(b)(7)(C) from the (b)(6),(b)(7)(C) will be present for the interviews.

Investigation to continue.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000005

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
002

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000006

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
003

3. TITLE
EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC
Interview of (b)(6),(b)(7)(C)

9. SYNOPSIS
On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by ICE Agents in Alabama. (b)(6),(b)(7)(alleged that armed ICE agents went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the seven interviews conducted by ICE, Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO) at the LaSalle Detention Center in Jena, Louisiana on December 29, 2011.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	20-JAN-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	20-JAN-2012	No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	003

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

On December 29, 2011, Special Agent (SA) (b)(6),(b)(7)(C) OPR/NO, and SA (b)(6),(b)(7)(C) OPR/NO 287 G Program interviewed seven individuals currently detained at the LaSalle Detention Facility. Present during the interviews were (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C, along with Attorneys (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) Birmingham, AL.

(b)(6),(provided OPR/NO with documents for each individual interviewed stating that (b)(6), was representing them in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. All seven persons signed the document dated December 28, 2011.

CRCL provided the interpreters via telephone. Numerous dialectic of Interpreters was used.

The seven are currently being detained due to removal orders issued for each. The other individuals arrested during the operation were allowed to post bond and were issued a Notice to Appear for an immigration hearing.

The seven people interviewed on December 29, 2011 were:

(b)(6),(b)(7)(C)

All seven interviews were documented in an agent affidavit by SA (b)(6), (b)(7)(and will be attached to the file.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000008

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
003

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000009

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	004

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Interviews conducted on January 26-27, 2012 in Fort Payne, AL

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by Immigration and Customs Enforcement (ICE) Agents in Alabama. (b)(6),(b)(7)(alleged that armed ICE Agents went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the eight interviews conducted by ICE, Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO) in Fort Payne, Alabama on January 26 - 27, 2012.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	30-JAN-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	30-JAN-2012	No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	004

10. NARRATIVE

Between January 26 - 27, 2012, Special Agent (SA) (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(OPR/NO interviewed eight individuals in Fort Payne. Present during the interviews were (b)(6),(b)(7)(C) Attorney with the (b)(6),(b)(7)(C), Atlanta, Ga. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS) Civil Rights and Civil Liberties (CRCL), Washington, D.C.

(b)(6),(provided OPR/NO with documents for each individual interviewed stating that (b)(6),(was representing them in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area.

CRCL provided the interpreters via telephone. Numerous dialectic of Interpreters was used.

The seven are currently residing in the Fort Payne area. Four of the people interviewed were arrested during the operation and were allowed to post bond. Three people interviewed were witnesses to several of the arrest that took place during the operation.

The eight people interviewed on January 26-27, 2012 were:

(b)(6),(b)(7)(C)

All eight interviews were documented in agent affidavits by SA (b)(6), (b)(7)(and will be attached to the file.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000011

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
004

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000012

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	005

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Affidavit from SDDO (b)(6),(b)(7)(C)

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by Immigration and Customs Enforcement (ICE) Agents in Alabama. (b)(6),(b)(7)(C) alleged that armed ICE Agents went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the interview with (b)(6),(b)(7)(C) Supervisory Detention and Deportation Officer (SDDO) conducted by ICE, Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO) in Homewood, Alabama on February 7, 2012.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	08-FEB-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	09-FEB-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000013

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

On February 7, 2012, Special Agent (SA (b)(6),(b)(7)(C) OPR/NO interviewed SDDO (b)(6),(b)

The following is a verbatim copy of the affidavit SDDO (b)(6),(b)(7)(C) provided to SAs (b)(6),(b)(7)(C) No corrections or alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OFJEFFERSON

STATE OF ALABAMA

I (b)(6),(b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A (b)(6),(b)(7)(C)

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. (b)(7)(E)

Q. What is your current assignment and duty station?

A. Homewood, Alabama - (b)(6),(b)(7)(C) Deportation Officer

Q. How long have you worked in your current assignment at your current duty station?

A. (b)(7)(E)

Q. Who is your first line supervisor?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000014

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	005

10. NARRATIVE

A. (b)(6),(b)(7)(C)

Q. Briefly describe your duties.

A. (b)(6),(b)(7)(C)

Q. How many officers are on the (b)(6),(b)(7)(

A. There are (b)(all together. We have a position open for one more.

Q. How long have you (b)(6),(b)(7)(C)

A. (b)(7)(E)

Q. When was the (b)(6 created in Homewood, AL?

A. (b)(7)(E) We are the original members of the team (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

Q. How many operations have your (b)(6),(b done here in Homewood since (b)(7)(E)

A. At leas (b)(7)(E)

Q. Since the (b)(6),(got started in (b)(7)(E) have you had any complaints from the public?

A. No, we have not. No complaints or allegations.

Q. Were you directly involved in (b)(6),(b)(7)(C)? What were the dates of the operation?

A. Yes. (b)(7)(E)

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. An operation plan and target list is submitted through the chain of command and vetted by Headquarters (HQ) Office of Enforcement and Removal Operations (ERO). Also a summary of the two most egregious targets is submitted. Following approval of the operation plan by HQ and

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000015

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

the director of ERO, the (b)(6),(b)(7)(C) is authorized to conduct the enforcement action.

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes. See above answer.

Q. Where there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. No. The local law enforcement agencies were notified, but they did not participate in the operation.

Q. Are you aware of a memo dated January 19, 2010, from (b)(6),(b)(7)(C) Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is " Documentation of Consent to Enter and Search"?

A. Yes, I am.

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. Yes, I am.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. Yes.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000016

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	005

PREPARED BY: (b)(6),(b)(7)(C)

10. NARRATIVE

Q. Were any juveniles encountered during (b)(6),(b)(7)(C)

A. No.

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo discusses Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a supervisor for a (b)(6),(b)((b)(6),(b)(7)(C) do you and your officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes, I am. Birmingham (b)(completes 4th amendment training every six months with the most recent on November 3, 2011. We also do training prior to a National Operation.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Yes.

Q. To the best of your knowledge and belief, during (b)(6),(b)(7)(C) did you or any officer interrogate young children about the whereabouts of their parents?

A. No.

Q. During (b)(6),(b)(7)(C) did you are any officer involved in this operation threaten to arrest U.S. Citizen children if those children did not disclose the whereabouts of their parents?

A. No.

Q. Are you aware that there is an Office of Professional Responsibility (OPR) investigation regarding entering homes without permission and terrorizing families during the dates of " (b)(6),(b)(7)(C) If so, who did you discuss this investigation with?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000017

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. We were notified by management within the New Orleans Field Office that allegations were made that (b)(6),(b)(7)(C) and OPR would possibly be interviewing the (b)(6),(

Note:
The following will be questions regarding seven address that you were directly involved with. Please provide the information to the best of your knowledge and belief.

(b)(6),(b)(7)(C) Fort Payne, Alabama

Q. Were you working on Saturday, December 10, 2011, with (b)(6),(b)(7)(C)

A. Yes. I was (b)(6),(b)(7)(C)

Q. During the operation, did you and other officers go to (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. Yes. (b)(6),(b)(7)(C) was the fugitive target, and this was his last known address. He was the target of the investigation, and he was confirmed to be residing at this location.

Q. Who were the officers present that day at that address?

A. Myself along with Deportation Officer (DO) (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)

Q. What type of clothing were the officers wearing, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Upon arriving at the address, who was the first person that was encountered?

A. I was (b)(7)(E) DO (b)(6),(b)(7)((b)(6),(b) saw an adult exit the front of the residence and made contact with (b)(6),(b)(7)(C) outside

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000018

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

near a vehicle (b)(6),(b)(7)(C) is the wife of our target.

Q. Explain what took place when you encountered (b)(6),(b)(7)(C)

A. DO (b)(6),(b) first encountered (b)(6),(b)(7)(C) and from my position or location I could not tell what was said other than hearing some form of discussion.

Q. Was there proper language communication between all parties?

A. I don't remember the verbal conversation with (b)(6),(b)(7)(C) due to my position (b)(7)(E) of the house.

Q. Who knocked on the door of the residence at (b)(6),(b)(7)(C)

A. Due to my position (b)(7)(E) of the house, I did not see who knocked on the front door.

Q. Who opened the door to that residence?

A. I did not see.

Q. Upon opening the door, what was said?

A. I do not know due to my positioning.

Q. Who gave the officers authorization to enter that residence?

A. I did not see it, but it's documented on the I-213 that consent was given by (b)(6),(b)(7)(C)

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C)? If so, who prepared it?

A. Yes. DO (b)(6),(b)(7)(C)

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

A. Subject. Witnesses are listed on the FOW as DO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000019

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

Q. The FOW says that the "subject" gave consent. Who is the subject?

A. (b)(6),(b)(7)(C) but it was my understanding that (b)(6),(b)(7)(C) gave consent to enter from outside the residence, and she escorted the officers inside the home.

Q. Who gave the authorization to search the residence? Who witnessed?

A. I don't know due to my positioning.

Q. When the door opened, who went into the residence first? Who followed?

A. I don't know due to my position.

Q. Which (b)(7)(officers escorted (b)(6),(b)(7)(C) to her bedroom to obtain her documents?

A. I don't remember specifically.

Q. Was there an altercation between you and (b)(6),(b)(7)(C) Any other officers involved? What happened?

A. After encountering (b)(6),(b)(we explained to him why we were there (Warrant of Removal) and at that time he became resistant. Control techniques were used to place him in handcuffs, but no other use of force was used. No impact devices were utilized, and only the minimum amount of force was used. After he was in cuffs, he began to apologize that he was resistant. The incident involved me, DO (b)(6),(b)(7)(C)

Q. Did you see any officer put their knee in (b)(6),(b)(7)(C) back while he was being arrested?

A. No.

Q. Was (b)(6),(b)(7)(C) injured during the arrest?

A. No

Q. Was any officer injured while making the arrest?

A. No.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000020

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

Q. Did (b)(6),(b)(7)(C) notify you or any other officer that he hurt his left shoulder? If so, who did he report it to?

A. No. Documented on I-213 that he was in good health.

Q. Was (b)(6),(b)(7)(C) on the operations target list?

A. Yes

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I do not recall as we did not have a dedicated transport officer or van.

Q. Which officer provided food to (b)(6),(b)(7)(C) in Chattanooga?

A. No. I wasn't in the processing area when he received food.

Q. Do you know if the officer threw a hamburger (Sandwich) on the floor toward (b)(6),(b)(7)(C) while he was being fed?

A. No. I would not believe that this would occur.

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga? (I-213, etc.)

A. DO (b)(6),(b)(7)(C)

Q. Do you know who all the officers were in Chattanooga while processing?

A. Different officers would have been in the processing area at different times. It was the weekend and the (b)(6) were the only officers using the processing area.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to DeKalb County Jail by DeKalb County Deputies. DeKalb County was responsible for all transportation from ERO Chattanooga to DeKalb County Jail. SIEA (b)(6),(b) (b)(6), (b)(7)(C) (205-296 (b)(6), was the primary point of contact (POC) for transport for the operation.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000021

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed.

END QUESTIONS REGARDING the arrest of (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama on December 10, 2011.

(b)(6),(b)(7)(C) Fort Payne, Alabama and (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama.

Q. On December 10, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. It was the last known address for fugitive target (b)(6),(b)(7)(C)

Q. Explain what took place when you arrived at that residence?

A. Initial contact was made by DO (b)(6),(b)(7)(C) at this address with (b)(6),(b)(7)(C) He was shown a photo of the target (b)(6),(b)(7)(C) and he stated that he knew where (b)(6),(b)(7)(C) lived (b)(6),(b)(7)(C) took officers to (b)(6),(b)(7)(C)

Q. Who were the officers present that day at that residence?

A. Myself (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. Yes. DO (b)(6),(b)(7)(C) communicated in Spanish when necessary.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000022

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

Q. Who gave the officers authorization to enter the residence at (b)(6),(b)(7)(C) (b)(6),(b)(7)(Who is the LPR owner?

A. I do not recall entering the residence. The owner of the residence was (b)(6),(b)(7)(C)

Q. Did (b)(6),(b)(7 take you over to (b)(6),(b)(7)(C), Fort Payne, Alabama? If so, why?

A. Yes, (b)(6),(b)(7 escorted us to (b)(6),(b)(7)(C) as the location that he knew the target to reside. His reason was unknown.

Q. What took place when you arrived at that residenc (b)(6),(b)(7)(C) Explain in detail.

A. While another officer (Which one I can't recall) was knocking at the front door, (b)(6),(b)((b)(6),(b)(7)(C) target) and his wife, (b)(6),(b)(7)(C) returned home in their vehicle.

(b)(7)(E) Officers went to the vehicle (b)(6),(b)(7)(C) to talk to them. I heard (b)(7)(the officers asking them if they lived at the residence. I heard (b)(6),(b)(7)(say he had immigration documents. (b)(6),(b)(7) was identified as the target and his wife provided identification for herself. After running her identification through the Law Enforcement Support Center (LESC), it was determined that she had an outstanding Warrant of Deportation (I-205).

(b)(6),(b)(7)(C) had immigration courts documents in his possession that indicated he was granted a motion to reopen in his immigration court proceedings one day earlier (12/9/2011). (b)(6),(b)(7)(C) was not taken into custody. His wife (b)(6),(b)(7)(C) was identified as a fugitive alien and was arrested.

I myself do not remember going into the residence. The I-213 states that the two gave the (b)(6 permission to go inside their residence to obtain their court documents. I personally remember (b)(6),(b having her documents, and not having to go inside for them.

Their son (b)(6),(b)(7)(C) was arrested for not having any documentation and it appeared that he had some type of homemade document. (b)(6),(b)(7) was released from Dekalb or Jena several days later. He was release on his own recognizance (OR).

I can't recall or remember who went in the residence first. I did not see who went in the residence

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000023

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

first. I don't recall myself going into the residence. But, I may have. I don't recall any officer searching bedrooms located inside the residence.

Q. Was there proper language communication between all parties?

A. Yes, some of the officers speak Spanish. (b)(6),(b)(7)(C) and the son (b)(6),(b)(7)(C) spoke a little English.

Q. Who gave the permission to enter the residenc (b)(6),(b)(7)(C) Were there any witnesses?

A. I don't know who gave the permission. The I-213 states that (b)(6),(b)(7)(C) apparently gave the permission for the officers to enter. I did not see or hear any of this.

Q. Who opened the front door to the residence?

A. I don't recall at this time. It was my understanding that the parents (b)(6),(b)(7)(C) walked back in the residence first.

Q. When the door opened, who went in the residence first? Who followed?

A. I don't recall.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) If so, who prepared it?

A. Yes. DO (b)(6),(b)(7)(C)

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I think it was DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000024

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. I don't know.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when she was fed?

A. No. I was not there but it would be hard for me to believe that an officer would do this.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. She would have been transported to Dekalb County Jail by the Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C) for details of transportation)

Q. Was anyone else arrested at that location along with (b)(6),(b)(7)(C)

A. Yes, their son (b)(6),(b)(7)(C)

Q. Did (b)(6),(b)(7)(C) or her son get injured during the arrest?

A. No.

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed. Also, the detention of (b)(6),(b)(7)(C) was due in part to our fingerprint system being down during much of the operation.

End questions regarding (b)(6),(b)(7)(C) Fort Payne, Alabama.

(b)(6),(b)(7)(C) Fort Payne, Alabama.

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. Yes. Fugitive target (b)(6),(b)(7)(C) was confirmed to be residing in the residence.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000025

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

Q. What happened after you arrived at that residence? Explain in detail.

A. DO (b)(6),(b) knocked at the door and made contact with the residents. I was standing off of the porch, I could not see, but I could hear consent given to enter the residence. I did not see who gave consent, but I could hear a female voice. Entry was made into home after receiving consent. DO (b)(6),(b)(7)(C) entered first, I entered second and DO (b)(6),(b)(7) entered third. We were told that (b)(6),(b) was not in the residence and that we could look around. We heard and saw (b)(6),(b)(7)(C) hiding behind the A/C and furnace unit and he eventually came out. There were children present, but none were interrogated or arrested.

(b)(6),(b)(7)(C) was seated in front of the furnace in an attempt to conceal (b)(6),(b) We asked him if he had seen (b)(6),(b) and he stated no.

(b)(6),(b)(7 spouse (b)(6),(b)(7)(C) told us several times that he was not in the residence and attempted to harbor and conceal his whereabouts.

Q. Who were all the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. English and Spanish.

Q. Who gave the authorization to enter that residence?

A. I did not see who gave consent, but I heard consent from a female voice and consent was documented on the I-213 as given by (b)(6),(b)(7)(C)

Q. Was it a 12 year old female there by the name o (b)(6),(b)(7)(C) If so, did an officer speak with her? Which officer?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000026

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. DO (b)(6),(b)(7)(C) did speak to one of children as she was trying to assist translating.

Q. Did the 12 year old female (b)(6),(b) appear to be upset or crying?

A. I do not recall, but I remember that (b)(6),(b)(7)(C) appeared to be crying.

Q. Did an officer search the bedroom belonging to (b)(6),(b)(7)(C)? If so, did (b)(6),(b)(7)(C) give permission for the officers to search his bedroom?

Q. Did (b)(6),(b)(7)(C) tell the officers where her father was located?

A. No.

A. Possibly, because we were given consent to search for (b)(6),(b)(7)(C)

Q. After searching the bedroom what was found?

A. I do not recall.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C)? If so, who prepared it? Did it list the person who authorized the search?

A. No. This subject was not on the target list

Q. Did (b)(6),(b)(7)(C) complain of an injury that he received during the arrest?

A. No.

Q. Did (b)(6),(b)(7)(C) complain that the handcuffs were on him too tight?

A. No.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000027

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I do not recall. I was not present when meals were provided.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was being fed?

A. I was not present when meals were provided

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He would have been transported to Dekalb County Jail by the Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C) for details of transportation)

Q. Was (b)(6),(b)(7)(C) on the target list for this operation?

A. No.

Q. How many people were arrested from the residence that day? Names?

A. Two (b)(6),(b)(7)(C).

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed. Also, occupants of the residence gave false information to ICE officers and attempted to harbor and conceal the whereabouts o (b)(6),(b)(7)(C)

END QUESTIONS FOR (b)(6),(b)(7)(C)
FORT PAYNE, ALABAMA.

(b)(6),(b)(7)(C) FORT PAYNE, ALABAMA

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000028

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

2. REPORT NUMBER

005

10. NARRATIVE

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. We were attempting to locate fugitive target (b)(6),(b)(7)(C) as a secondary address listed on the FOW.

Q. Who were you looking for at that residence?

A. (b)(6),(b)(7)(C)

Q. What happened after you arrived at that residence? Explain in detail.

A (b)(6),(b)(7)(C) was encountered outside the residence. He was asked where he lived and he pointed towards (b)(6),(b) He was asked if he had identification and he stated that it was in his apt. He gave consent for the (b)(6) to enter his residence. Inside the apt, several occupants were inside and we asked if they knew the target. (b)(6),(b)(7)(C) provided ID to officers and freely admitted that that he entered the U.S. illegally and had no immigration documents.

(b)(6),(b)(7)(C) was also encountered inside the apt. and freely admitted that he entered the U.S. illegally and had no immigration documents.

Q. Who were the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties that day?

A. English and Spanish

Q. Who gave the officers authorization to enter that residence?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000029

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. (b)(6),(b)(7)(C)

Q. Who was the owner of that residence?

A. Unknown.

Q. Once inside the residence, which officer knocked on the bedroom door of (b)(6),(b)(7)(C)

A. I don't recall

Q. Did the officers search the bedroom of (b)(6),(b)(7)(C) If so, did he give permission to search his bedroom?

A. I don't know.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) If so, who prepared it?

A. No.

Q. Does the FOW list the person who authorized the entry and or search of the residence?

A. No FOW prepared for (b)(6),(b)(

Q. Did (b)(6),(b)(7)(C) advised an officer that he had an injury that he received during the arrest? If so, who was the officer?

A. No.

Q. Did (b)(6),(b)(7)(C) stated that the handcuffs that were placed on him were too tight?

A. No.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000030

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. I don't recall.

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. According to the I-213, (b)(6),(b)(7)(C)

Q. Who were the officers present in Chattanooga during processing?

A. I don't recall

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't recall

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was being fed?

A. No. I don't believe that an officer would have thrown lunches at detainees.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He would have been transported to Dekalb County Jail by the Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C) for details of transportation)

Q. Was (b)(6),(b)(7)(C) on the target list for this operation?

A. No.

Q. How many people were arrested from that residence that day?

A. Two. (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000031

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

2. REPORT NUMBER

005

10. NARRATIVE

END QUESTIONS (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA.

(b)(6),(b)(7)(C) FORT PAYNE, ALABAMA

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. Yes. We were attempting to locate (b)(6),(b)(7)(C)

Q. What happened after you and the officers arrived at that residence? Explain in detail.

A. Prior to knocking on the residence, (b)(6),(b)(7)(C) pulled up to the residence. One of the officers asked him where did he live and he pointed toward the apartment. An officer asked him for identification and he said it was inside the apartment. He wanted to go inside to get the identification and he gave the officers consent to go inside the apartment with him and retrieve his identification. Once inside there were several other people in the apartment. (b)(6),(b)(7)(C) went and got his identification.

(b)(6),(b)(7)(C) admitted he was illegal in the U.S. so he was arrested along with (b)(6),(b)(7)(C)

Q. Who were the officers present that day at that address?

A. Myself (b)(6),(b)(7)(C)

Q. What were the officers wearing that day and did they ID themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there language communication between all parties?

A. English and Spanish. Communication was good.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000032

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

Q. Where was the vehicle located that (b)(6),(b)(7)(C) was getting in to? Was it in the front of his apartment or the rear? Was he in the vehicle or was he getting inside the vehicle?

A. The I-213 states the vehicle was behind the residence, but actually it could be considered in front. There is a door on each side of the apartment.

Q. Which officer initially spoke with (b)(6),(b)(7)(C) In what language did they speak?

A. Not right off. I don't recall.

Q. Who were the officers that went to the apartment and knocked on the door?

A. It seems like the majority of the team went in.

Q. What happened when the officers knocked on the front door?

A. The officers did not knock on the front door (b)(6),(b)(7)(C) went in his residence and allowed us to follow him inside. This is the best I can recall.

Q. Who gave the officers authorization to enter that residence?

A (b)(6),(b)(7)(C) I witnessed this authorization.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) If so, who prepared it? Did it list the person who authorized the entry and search?

A. No. He was not on the target list.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Do you know which officer fed (b)(6),(b)(7)(C) in Chattanooga?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000033

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. No.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was fed?

A. No.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to Dekalb County Jail by Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C))

Q. Was (b)(6),(b)(7)(C) on the target list for the operation?

A. No.

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed.

END QUESTIONS FOR (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA.

(b)(6),(b)(7)(C) FORT PAYNE, ALABAMA

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. We were looking for (b)(6),(b)(7)(C) Who was on the target list.

Q. What happened after you arrived at that residence? Explain in detail.

A. DO (b)(6),(b)(7)(C) knocked at the door and made contact with the residents. I was standing off of the

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000034

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

porch, but could hear consent given to enter the residence. I did not see who gave consent, but I could hear a female voice. Entry was made into home after receiving consent. DO (b)(6),(b)(entered first, I entered second and DO (b)(6),(b)(entered third. We were told that (b)(6),(b) was not in the residence and that we could look around. We heard and saw (b)(6),(b) hiding behind the A/C and furnace unit, and he eventually came out. There were children present but none were interrogated or arrested.

(b)(6),(b)(7)(C) was hiding in the furnace and everyone was in the place was trying to hide him. They were telling us to look around. That is when we found him hiding in the furnace.

Q. Who were all the officers present that day at that address?

A. Myself (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement

Q. Was there proper language communication between all parties?

A. Yes. English and Spanish.

Q. Which officer knocked on the front door of the residence?

A. DO (b)(6),(b)(7)(C)

Q. Do you know who opened the front door?

A. No, but it was a female from hearing her voice..

Q. What happened after the front door was opened?

A. The door opened and there was conversation at the door. We asked where (b)(6),(b)(7)(C) was and they said they did not know, but we were told we can come in and search.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000035

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION	2. REPORT NUMBER
HB 4200-01 (37), Special Agent Handbook	005

10. NARRATIVE

Q. Who gave authorization to enter that residence? Was there Witnesses?

A. I don't know the name, but it was a female. It was documented on the I-213 that (b)(6),(b)(7)(C) gave the permission. DO (b)(6),(b)(7)(C) did the I-213.

Q. What happened after the officers entered the residence?

A. After receiving consent to search the residence, we went inside and started looking around. That is when we noticed that there was a noise coming from the furnace. Upon checking further we found (b)(6),(b)(7)(C) hiding and was taking into custody.

Q. Did an officer speak with a 12 year old female named (b)(6),(b) If so, who was the officer and what was said?

A. The only time I remember a young girl talking was because she was trying to translate English to Spanish for the occupants. That is all I heard.

Q. Did an officer tell (b)(6),(b)(7)(C) not to lie to him, or he will take her and her whole family away?

A. I never heard anything like that. My team has never talked like that to anyone. If I would have heard that I would have taken action to correct that and to prevent it from happening in the future. That type of behavior would not be tolerated.

Q. Did (b)(6),(b)(7)(C) tell the officer where her fathe (b)(6),(b)(7)(C) was located? If so, what happened next?

A No. I did not.

Q. Did you see an officer verbally threaten the 12 year old female, (b)(6),(b)(7)(C) by telling her she would be taken away if she lied?

A. At no time did I see this. Again, it would not be tolerated.

Q. Did you see an officer grab the 12 year old female, and threaten her in any way?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000036

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

2. REPORT NUMBER

005

10. NARRATIVE

A. No. That never happened.

Q. Did the officers get permission to go into the bedroom and search where (b)(6),(b)(7)(C) was located? If so, who gave permission?

A. No. He was not in the bedroom. He was hiding in the furnace. He was found in the furnace not the bedroom.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) If so, who prepared it?

A. Yes. He was a target

Q. Did (b)(6),(b)(7)(C) reported any injury that he received during the arrest? If so, who was the officer he complained to?

A No. In the I-213 he claimed to be in good health.

Q. Did (b)(6),(b)(7)(C) state that the handcuffs were placed on him too tight?

A. I never heard him say anything about handcuffs.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't know.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was fed?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000037

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. No. I am unaware of this.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to Dekalb County Jail by Dekalb County Deputies. (See SIE/ (b)(6),(b)(7)(C))

Q. Was (b)(6),(b)(7)(C) on the target list?

A. Yes he was.

Q. How many people were arrested from the residence that day?

A. Two (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. Again, all involved officers acted in a professional manner and all policies and procedures were followed. Also, occupants of the residence gave false information to ICE officers and attempted to harbor and conceal the whereabouts of (b)(6),(b)(

As far as talking with juveniles, based on our 4th Amendment training the only time we speak with juveniles would be in casual conversation such as asking where their parents are or what their age is. We do not interrogate juveniles and we do not accept consent to enter or search a residence from juveniles. We do not threaten or terrorize juveniles or anyone. As a (b)(6),(b)(7)(C) I try to ensure that my team is as professional and courteous as possible not only to juveniles, but to everyone.

END QUESTIONS FOR (b)(6),(b)(7)(C)
(b)(6), FORT PAYNE, ALABAMA.

(b)(6),(b)(7)(C) FORT PAYNE, ALABAMA

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000038

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

2. REPORT NUMBER

005

10. NARRATIVE

Yes. We were looking for (b)(6),(b)(7)(C) I believe it was me who knocked on the door. (b)(6),(b)(6),(b)(7)(C) answered the door. We asked him what trailer was this and he did not know he had to look outside to get the number. I showed him a photo of (b)(6),(b)(7)(and he said he did not know her and that no women lived in this house. He then said we can come in and look.

After getting permission to enter the residence, I along with (b)(6),(b)(7)(C) went inside. We looked around the residence and verified that no one else was there. He showed us identification and stated he was arrested one time at the border. He was arrested for being in the U.S. illegally.

Q. Who were all the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement

Q. Was there proper language communication between all parties?

A. Yes. English and primarily Spanish.

Q. Which officer knocked on the front door of the residence?

A. I was.

Q. Do you know who opened the front door?

A (b)(6),(b)(7)(C)

Q. Who gave authorization to enter that residence? Was there Witnesses?

A. (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) was there with me.

Q. Did you or any other officer see a photo of two females in a frame setting on a television set?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000039

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. No. No other officer said anything to me. There were no female photos that I remember seeing in the residence.

Q. Did you or any officer make a comment about two young girls in a picture frame such as "that is two good looking pussies?"

A. Definitely No. I didn't see any photos of females at all.

Q. Did you or any other officer use the bathroom in (b)(6),(b)(7)(C) residence.

A. No. I did not and to the best of my knowledge no one else did. That is not normal practice for us to do. We don't use the bathroom at an alien's house.

Q. Did you or any other officer say that you were going to take him to get fingerprints and then bring him back home?

A. I don't recall that being said.

Q. Was there a Filed Office Work (FOW) Sheet prepared fo (b)(6),(b)(7)(C) If so, who prepared it?

A. No. He was not a target

Q. Did (b)(6),(b)(7)(C) reported any injury that he received during the arrest? If so, who was the officer he complained to?

A No. In the I-213 he claimed to be in good health.

Q. Did (b)(6),(b)(7)(C) state that the handcuffs were placed on him too tight?

A. No.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I don't recall. It would have beer (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000040

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 005

10. NARRATIVE

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't know.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was fed?

A. No. I am unaware of this.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to Dekalb County Jail by Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C))

Q. Was (b)(6),(b)(7)(C) on the target list?

A. No.

Q. Is there anything you would like to add?

A. Again, all involved officers acted in a professional manner and all policies and procedures were followed. Also, occupants of the residence gave false information to ICE officers and attempted to harbor and conceal the whereabouts of (b)(6),(b)(

I have read the foregoing statement consisting of 26 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 7th day of February 2012.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000041

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	005

10. NARRATIVE

___/S/_____
AFFIANT
(b)(6),(b)(7)(C)

___/S/_____
(b)(6),(b)(7)(C)
Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

___/S/_____
(b)(6),(b)(7)(C)
Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000042

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	005

PREPARED BY
(b)(6),(b)(7)(C)

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000043

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	006

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Francisco Diego-Francisco 2nd Interview Feb 14, 2012

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the interview with (b)(6),(b)(7)(C) on February 14, 2012 at LaSalle Detention Center (LDC) in Jena, Louisiana.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	15-FEB-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	22-FEB-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000044

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 006

10. NARRATIVE

On February 14, 2012, Special Agent (SA) (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)((b)(6),(b)(7)(C) Present at the interview representing (b)(6),(b) was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) New Orleans. The Interpreter used was conducted over the telephone and provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

During the interview detainee (b)(6),(b stated that he was not telling the truth when he gave his statement to OPR/NO on December 29, 2011. In the original statement, detainee (b)(6),(b)(7)(C stated that he was in his bedroom with his wife when the officers banged on the front door, and one of his daughters opened the door. Detainee (b)(6),(stated that when his daughter opened the door the officers rushed in to the residence, and then came into his bedroom grabbing and arresting him. Detainee (b)(6),(stated that (b)(7 officer came into the bedroom where he was, and the other (b)(7 officers stayed in the living room. Detainee (b)(6),(b)(7)(C stated that no one gave the officers permission to enter his residence. Detainee (b)(6),(b stated none of this is true.

Detainee (b)(6),(stated that the truth is he was setting in his living room when the officers came and knocked on his front door. When he looked out the window he noticed who the officers were, so he ran and hid in a small room that contains the hot water heater. The room is located near the laundry room next to the kitchen. Detainee (b)(6),(stated that from where he was hiding, he could not see or hear anything that was going on when officers entered the residence.

Detainee (b)(6),(stated that after the officers entered the residence they were in the kitchen area when an officer shined a flashlight into the area where he was hiding. When the officers saw him hiding they ordered him out of the room and placed handcuffs on him.

Detainee (b)(6),(b stated that he was sorry for not being honest in his first statement. Detainee (b)(6),(stated that he did not see his daughter open the front door or see the officers rushing into the residence as he previously stated. Detainee (b)(6),(stated that the officers also did not go into his bedroom and arrest him as previously reported.

Detainee (b)(6),(stated that after he was arrested, he and his wife spoke over the telephone, and they came up with the original story because he was afraid of being deported. Detainee (b)(6),(and his wife thought that the original story may help him stay in the United States.

Detainee (b)(6),(also admitted that the statement that his wife (b)(6),(b)(7)(C), gave to OPR/NO on January 26, 2012, is also a false statement. Detainee (b)(6),(b)(7)(stated that his wife was doing it to help protect him.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000045

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION HB 4200-01 (37), Special Agent Handbook	2. REPORT NUMBER 006

10. NARRATIVE

Detained (b)(6), (b)(7)(C) apologized for him and his wife not telling the truth, but that he was worried about being deported.

Investigation to continue.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000046

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
006

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000047

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	007

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Interview of Deportation Officers and SIEA in Homewood, Alabama

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by Immigration and Customs Enforcement (ICE) Agents in Alabama. (b)(6),(b)(7)(alleged that armed ICE Agents went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the five interviews conducted by ICE, Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO) in Homewood, Alabama on February 21 - 24, 2012.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	27-FEB-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	27-FEB-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000048

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	007

10. NARRATIVE

Between February 21 - 24, 2012, Special Agents (SAs (b)(6),(b)(7)(C) OPR/NO conducted witness interviews of (b)(7)(E) with Enforcement and Removal Operations (ERO) in Homewood, Alabama. (b)(7)(E) the interviews were with Deportation Officers (DOs) who are bargaining unit employees, and they were represented by a union official (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Oakdale, Louisiana. One interview was with a (b)(6),(b)(7)(C) Immigration Enforcement Agent (SIEA) who is not a bargaining unit employee.

(b)(6),(b)(7)(C)

All (b)(employees were directly involved in (b)(6),(b)(7)(C) during December 9-11, 2011.

1	(b)(6),(b)(7)(C)	February 21, 2012
2		February 22, 2012
3		February 23, 2012
4		February 24, 2012
5		February 24, 2012

All (b)(DOs stated that they were granted verbal consent by the each alleged victim to enter and search the residence. Each DO stated that there was no duress or coercion when consent was given, and consent was given freely. DOs stated that no person giving consent to enter and or search a residence is required to sign any document. The only requirement the DOs adhere to is getting (b)(officers to witness the person giving consent.

DOs stated there was no issue with communication because several DOs speak the Spanish language.

The DOs identified detainees as either the target alien or an illegal alien, and placed them under arrest. DOs stated that everyone taken into custody was transported by one of the DOs to ERO Office in Chattanooga, TN. for processing. After processing, the detainees were transported by the DeKalb County Sheriff's Office to the DeKalb County Jail in Fort Payne, AL.

Detainees that were mandatory detention and not allowed bond were transported by (b)(6),(b)(7)(C) (b)(6),(b)(7)(to LaSalle Detention Center in Jena, LA.

DOs stated that no injuries were reported to them by any detainee during this operation.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000049

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION HB 4200-01 (37), Special Agent Handbook	2. REPORT NUMBER 007

10. NARRATIVE

The DOs prepared I-213's (Record of Deportable Alien) on each individual arrest and Field Operations Work Sheets (FOW) for each target alien arrested to document the events that occurred at each residence. Several of the I-213s and FOWs did not contain sufficient wording as to how the DOs obtained consent to enter and search a residence, as required.

Each DO stated that they receive 4th Amendment Training every 6 months as required and the (b)(6) does not receive consent from juveniles to enter or search a residence. The DOs also stated that they do not interview or interrogate juveniles other than to ask where their parents are or ask how old they are.

SIEA (b)(6),(stated that he arranged transportation for the detainees to be transported from Chattanooga, TN to Fort Payne, AL, and from Fort Payne to LaSalle Detention Center in Jena, LA. SIEA (b)(6),(stated that DeKalb County Sheriff's Office conducted transportation from Chattanooga to the Sheriff's Office in Fort Payne. From Fort Payne, (b)(6),(b)(7)(C) transported the detainees to Jena.

All (b)(7)(interviews were documented in sworn affidavits and will be attached to the file.

Investigation to continue.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000050

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
007

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000051

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	008

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Interview o (b)(6),(b)(7)(C) 2nd Interview

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the re-interview with (b)(6),(b)(7)(C) on March 5, 2012 at LaSalle Detention Center (LDC) in Jena, Louisiana.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	08-MAR-2012	ICE OPR RAC New Orleans
12. APPROVED BY (Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	08-MAR-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000052

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION	2. REPORT NUMBER
HB 4200-01 (37), Special Agent Handbook	008

10. NARRATIVE

On March 5, 2012, Special Agent (SA) (b)(6),(b)(7)(C) re-interviewed detainee (b)(6),(b)(Present at the interview representing (b)(6),(b)(7)(C) was (b)(6),(b)(7)(C) New Orleans. The Interpreter used was conducted over the telephone and provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

The following is a verbatim copy of the Agent Affidavit. No changes are alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 5, 2012, I re-interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Center in Jena, Louisiana. Present at the interview was Attorney (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)(

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

Detainee (b)(6),(b)(made numerous changes to the statement he previously provided to OPR/NO on December 29, 2011. Detainee (b)(6),(b)(previously stated that on observing ICE pull into his driveway he began walking back to his residence and that is when (b)(7 officers grabbed him, and threw him to the ground. When detainee (b)(6),(b) hit the ground he cut his left cheek causing it to bleed. Detainee (b)(6),(b)(stated that the officers put handcuffs on him and took him inside his residence. The officers then began searching the residence in all the rooms.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000053

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	008

10. NARRATIVE

Detainee (b)(6),(b) now states that he noticed ICE pull in to his driveway, and he began walking very fast to the front door of his residence because he knew it was an ICE officer. Before he could get to the front door, an officer grabbed him, and threw him across the front porch. He was then handcuffed, and taken back to where another officer was located in the driveway.

Detainee (b)(6),(b) (7)(C) stated that he never cut his left cheek. When asked why he said this in the previous statement he replied that he did not remember saying that.

He stated that he did not give the officers permission to enter his residence, but his mother and father were present, and he did not know if they gave the officers permission to enter.

Detainee (b)(6),(b) stated that when the officers were inside the residence no one told the officers that they could not enter. Detainee (b)(6),(b stated that the officers made him sit on the couch while they searched all of the bedrooms including his bedroom.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by;

_____/S/_____
Affiant

Before me this 8th day of March 2012

_____/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

_____/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000054

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
008

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000055

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	009

PREPARED BY
(b)(6),(b)(7)(C)

3. TITLE
EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC
ROI for (b)(6),(b)(7)(C) 2nd Interview

9. SYNOPSIS
On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the interview with (b)(6),(b)(7)(C) on March 5, 2012 at LaSalle Detention Center (LDC) in Jena, Louisiana.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	08-MAR-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	09-MAR-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000056

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 009

10. NARRATIVE

On March 5, 2012, Special Agent (SA) (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(Present at the interview representing (b)(6),(b) was (b)(6),(b)(7)(C) Orleans. The Interpreter used was conducted over the telephone and provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)

The following is a verbatim copy of the Agent Affidavit. No changes are alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 5, 2012, I re-interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Center (LDC) in Jena, Louisiana. Present at the interview was Attorney (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)(

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

During the interview, detainee (b)(6),(b)(7)(C) confirmed the statement he previously provided to OPR on December 29, 2011. Detainee (b)(6),(b)(stated that he did not recall if the altercation with the ICE officers were about him wanting to change clothes or over a set of keys that he had in his hands, and was trying to give to his wife.

Detainee (b)(6),(b)(7)(C) stated that he is still suffering from the injury he received to his left shoulder during his arrest in December 2011. Detainee (b)(6),(b)(stated that he suffers from his injury mainly

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000057

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	009

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

at night when he tries to sleep. Detainee (b)(6),(b)(7)(C) stated that he is currently receiving treatment for his left shoulder injury from the doctor at LDC, and does not feel like he is getting better.

Upon speaking with the Director for medical services at LDC (b)(6),(b)(7)(C) he stated that detainee (b)(6),(b) has never reported a shoulder injury to the medical staff, and he is not under any medical care for his shoulder.

Director (b)(6),(b provided a copy of detainee (b)(6),(b)(7)(C) medical records. After reviewing the file, there is no mention of a shoulder injury for detainee (b)(6),(b)(

The only medical illness listed is (b)(6),(b)(7)(C) The medical records show detainee (b)(6),(b)(7)(C) was issued (b)(6),(b) for treatment.

End

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by;

___/S/_____
Affiant

Before me this 8th day of March 2012.

___/S/_____
(b)(6),(b)(7)(C), Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

__/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000058

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

009

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000059

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
010

3. TITLE
EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC
Interview of Roger Ballard, Medical Director

9. SYNOPSIS
On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the interview of medical Director (b)(6),(b)(7)(C) on March 5, 2012 at LaSalle Detention Center (LDC) in Jena, Louisiana.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) CE-OPR Special Agent	09-MAR-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	12-MAR-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000060

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	010

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

On March 5, 2012, Special Agent (SA (b)(6),(b)(7)(C) interviewed Director (b)(6),(b) The interview of Director (b)(6),(b) was memorialized in an agent affidavit by SA (b)(6),(b)(7)(C)

The following is a verbatim copy of the Agent Affidavit. No changes are alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I (b)(6),(b)(7)(C), being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 5, 2012, I interviewed (b)(6),(b)(7)(C) Director of Medical Services at the LaSalle Detention Center (LDC) in Jena, Louisiana.

During the interview, Director (b)(6),(b stated that detainee (b)(6),(b)(7)(C) has never reported a shoulder injury to the medical staff at LDC, and (b)(6),(b) is not under any medical care for his shoulder.

Director (b)(6),(b provided a complete copy of detainee (b)(6),(b)(7)(C) medical records. After reviewing the records there is no mention of a shoulder injury for detainee (b)(6),(b)(7)

The only medical illness listed for detainee (b)(6),(b)(7)(C) The medical records show detainee (b)(6),(b) was issued (b)(6),(b for treatment.

The contents of this statement are true and correct to the best of my knowledge and belief.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000061

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 010

10. NARRATIVE

Subscribed and sworn to by;

_____/S/_____
Affiant

Before me this 8th day of March 2012

_____/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

_____/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000062

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
010

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000063

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	011

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Re-interview of (b)(6),(b)(7)(C) March 22, 2012

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the re-interview of (b)(6),(b)(7)(C) on March 22, 2012, at Fort Payne, Alabama.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) - ICE-OPR Special Agent	26-MAR-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) - ICE-OPR Special Agent	26-MAR-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000064

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

011

10. NARRATIVE

On March 22, 2012, Special Agent (SA) (b)(6),(b)(7)(C) re-interviewed (b)(6),(b)(7)(C) The interview of (b)(6),(b was memorialized in an agent affidavit by SA (b)(6), (b)(7)(C

The following is a verbatim copy of the Agent Affidavit. No changes are alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 22, 2012, I re-interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama. Present at the interview was an attorney with (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)(

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

(b)(6),(b)(7)(C) stated that on the day he was arrested he was in his bedroom lying in bed with his son while his wife was taking a bath. (b)(6),(b)(7)(C stated he heard a loud banging noise on the front door of the apartment. He heard the officers inside the apartment talking to the children in the living room. The officers then came to his bedroom and started knocking on the bedroom door. (b)(6),(b)(7)(C) stated that his wife had previously locked the door to the bedroom, and he told her to open it to see what the officers wanted.

(b)(6),(b)(7)(C stated that an officer entered the bedroom and shined a flashlight in his face. (b)(6),((b)(6),(b) stated he was very nervous and the officer asked him for his identification. (b)(6),(b)(7)(C

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000065

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	011

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

stated that he keeps all his personal information in a folder, and he began looking through the folder to locate his document. (b)(6),(b)(7)(C) stated he was very nervous, and could not find his document in the folder. (b)(6),(b)(7)(C stated that the officer grabbed the folder out of his hands and began looking through it for himself. (b)(6),(b)(7)(stated that the officer told him and his family to go to the living room. During this time, (b)(6),(b)(7)(stated he was trying to call his pastor to let him know what was happening, and the officer took the phone away from him.

(b)(6),(b)(7)(C stated that the officers never asked for permission to enter his bedroom or search the apartment.

(b)(6),(b)(7)(C) stated that he pays rent at the apartment in the amount of $215.00 a month for the bedroom. On the day he was arrested, there was another male, and his daughter, living at the apartment, but has since moved out. Now, it is only him and his family, along with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) and his family living at the apartment.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by;

____/s/_____
Affiant

Before me this 26th day of March 2012.

____/s/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000066

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

011

10. NARRATIVE

/s/

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000067

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	
201203098	
PREPARED BY	
(b)(6),(b)(7)(C)	
2. REPORT NUMBER	
011	

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000068

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	012

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Memo of Interview	

8. TOPIC

Re-interview of (b)(6),(b)(7)(C) March 22, 2012

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

This report will document the re-interview o (b)(6),(b)(7)(C) on March 22, 2012, at Fort Payne, Alabama.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	26-MAR-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(ICE-OPR Special Agent	28-MAR-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000069

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION	2. REPORT NUMBER
HB 4200-01 (37), Special Agent Handbook	012

10. NARRATIVE

On March 22, 2012, Special Agent (SA) (b)(6),(b)(7)(C) re-interviewed (b)(6),(b)(7)(C) The interview of (b)(6),(b) was memorialized in an agent affidavit by SA (b)(6),(b)(7)(

The following is a verbatim copy of the Agent Affidavit. No changes are alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 22, 2012, I re-interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama. Present at the interview was an attorney with (b)(6),(b)(7)(C) who represents detainee Agustin.

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

(b)(6),(b)(7)(stated that he has lived in the apartment for two months when he was arrested in December 2011. Currently, (b)(6),(b)(7)(C) pays $214.00 a month rent to a roommate named (b)(6),(b)((b)(6),(b)(7)(C) who was also arrested that day. (b)(6),(b)(7)(C) stated that he is not on the lease for the apartment and doesn't know who is. (b)(6),(b)(7)(stated that he first met the officers at his car while in the parking lot of his apartments. The officers spoke to him in English, and he stated he did not understand them.

(b)(6),(b)(7)(admitted that he may have told the officers a story about being at the residence to buy or fix a motorcycle. He stated that he was confused, and he had heard that when immigration

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000070

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 012

10. NARRATIVE

comes like this they will take your children away from you, and he did not want that to happen. (b)(6),(b)(7)(C) stated that he made up the story to keep the officers out of his apartment. When the officers asked him if he lived there at the apartments (b)(6),(b)(7)(C) stated he told them no, and made up the story about the motorcycle.

(b)(6),(b)(7)(C) stated that an officer asked him for identification while another officer went up to his apartment and knocked hard on the doo (b)(6),(b)(7)(C) stated that his two daughters opened the door, and when the door opened at least one maybe (b)(officers went inside the apartment. (b)(6),(b)(7)(C) stated that approximately 5-6 minutes later, the officers asked him again if he had documents. (b)(6),(b)(7)(C) stated that he told the officers that his documents were inside his apartment. The officers handcuffed him, and then walked with him to his apartment. (b)(6),(b)(7)(C) stated that he walked inside his apartment, and the officers followed him inside without permission. The officer that went inside the apartment earlier met him, and followed him to his bedroom to get his document.

(b)(6),(b)(7)(C) stated that he found his passport and gave it to the officer. The officer told him to go to the living room, but it wasn't long because the officers made him go outside.

(b)(6),(b)(7)(C) stated that when he went inside his apartment there were officers already inside talking to the other individuals. (b)(6),(b)(7)(C) stated that he did not know who gave permission for the officers to go inside.

(b)(6),(b)(7)(stated that at the time of his arrest, his wife (b)(6),(b)(7) was pregnant and she was due to deliver any day. (b)(6),(b)(7)(C) stated that while he was in custody his wife had the baby without him. (b)(6),(b)(7)(stated that no officer asked him for permission to enter and search his residence.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by;

_____/S/_____
Affiant

Before me this 26th day of March 2012.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000071

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	012

10. NARRATIVE

_____/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

_____/S/_____
(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000072

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
Exhibit List
HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
012

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000073

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	013

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Interim Report	Investigative Findings	

8. TOPIC

(b)(6),(b)(7)(C)

9. SYNOPSIS

On December 16, 2011 (b)(6),(b)(7)(C) in Montgomery AL, reported concerns about raids conducted by ICE Enforcement and Removal Operations (ERO), (b)(6),(b)((b)(6),(b)(7)(C) in Homewood, AL. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne, and Collinsville, AL areas, entered homes in Latino communities without permission and terrorized families.

This report is to document the events that took place at (b)(6),(b)(7)(C) Fort Payne, AL. on December 11, 2011.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	10-APR-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) CE-OPR Special Agent Supervisor	11-APR-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000074

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

2. REPORT NUMBER

013

10. NARRATIVE

BACKGROUND

The ICE, ERO, (b)(6) was designed to arrest fugitive aliens-individuals who have not left the United States after receiving a final order of removal or who were issued a notice to appear at an ICE Detention and Removal Office but missed their scheduled hearing. Removal orders can be issued in absentia.

The (b)(6) in Homewood, Alabama consist of (b)(7)(Deportation Officers (DOs), and a (b)(7)(E) (b)(7)(E) Deportation Officer (SDDO).

During (b)(6),(b)(7)(C) conducted December 9-11, 2011, the (b)(6) often carry a " Warrant of Deportation/Removal" (Form I-205) for the fugitive alien who is purportedly connected to the address of the house targeted. The I-205 is an administrative warrant, not a judicially-issued arrest or search warrant based on probable cause. It does not authorize entry into residences or other private areas.

AGENTS NOTE: Because an I-205 does not authorize the (b)(to enter the home of the person named, the (b)(6)(was adamant that consent was always obtained before they enter into a residence.

For (b)(6),(b)(7)(C) the (b)(6) was operating with a "Fugitive Operations Plan" (OPS Plan) which was approved through ICE, ERO Headquarters. No local law enforcement was involved, and no juveniles were targeted during the operation. (EXHIBIT 1)

Thirty-Five target aliens were identified and targeted during the operation. (EXHIBIT 2)

On December 11, 2011, the (b)(6) went to (b)(6),(b)(7)(C) Fort Payne, AL to apprehend a fugitive alien, who was on their target list, named (b)(6),(b)(7)(C). Upon arrival, DOs (b)(6),(b)(7)(C) confront a Hispanic male, (b)(6),(b)(7)(C) in the parking lot of his apartment. The (b)(6)(determined that (b)(6),(b)(was in the U.S. illegally and he was arrested at the scene. The (b)(6),(b)(7)(then searched the residence belonging to (b)(6),(b and arrested another Hispanic male, (b)(6),(b)((b)(6),(b)(7)(C) who the (b)(6) also determined was in the U.S. illegally. (b)(6),(b)(7)(C) share the rent expense for the apartment, and both stated that they did not authorize the (b)(to enter and search their residence.

The Record of Deportable Alien (I-213), was prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C) and it states "The subject gave the Team permission to enter his apartment to retrieve his Guatemalan Passport #

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000075

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	013

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

(b)(6),(b)(7)(C) expires (b)(6),(b)(7)(C) Who specifically the authorization was given to is unknown because it was not documented on the I-213, and the officers cannot remember. DO (b)(6),(b)(7)(C) stated in the I-213 that the "Team" was given permission to enter and retrieve the passport. There was no mention made in the I-213 regarding permission to enter and conduct a search of the residence.
(EXHIBIT 3)

The I-213, was also prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b) and it states that "Permission to enter the residence was granted by (b)(6),(b)(7)(C) who is a resident of the apartment. DO (b)(6),(stated in the I-213 that permission was granted for the (b)(6 to enter the residence by (b)(6),(and to retrieve his passport. There was no mention made regarding permission to enter and search the residence.
(EXHIBIT 3)

When the (b)(6 entered inside the apartment, they searched all the rooms of the residence, and gathered all individuals present in a common area. The (b)(6 stated that safety of the officers was a concern. The (b)(6 then requested proof of identification from all individuals present inside the apartment.

Both (b)(6),(b)(7)(C) were arrested by the (b)(6 on December 11, 2011, and neither arrest fell under any of the categories that the (b)(6),(b)(7)(C) were supposed to target.

The (b)(6 has the authority to question any person as to their right to enter, reenter, pass through, or reside in the United States (8 USC 1357, Power of Immigration Officers). The basis for this authority has been interpreted to require reasonable suspicion on the part of the agents that the person questioned is not a U.S. citizen.
(EXHIBIT 4)

AGENTS NOTE: The individual being interviewed must voluntarily agree to remain during questioning, because detaining an individual against their will for further questioning requires the officers to have a reasonable suspicion that the individual has committed a crime.

On December 16, 2011, (b)(6),(b)(7)(C) in Montgomery AL, reported concerns about raids conducted by ICE Agents in Alabama. (EXHIBIT 5)

INVESTIGATION

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000076

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	013

10. NARRATIVE

Interview of (b)(6),(b)(7)(C) (EXHIBIT 6)

On January 26, 2012, Special Agent (SA) (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),((b)(6),(b) OPR/NO interviewed (b)(6),(b) (7)(C) and present at the interview was an attorney with (b)(6),(b)(7)((b)(6),(b)(7)(C) who represents detainee (b)(6),(b). An interpreter was used via telephone, and was provided by the Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

(b)(6), (b)(7)(C) stated that on December 11, 2011, he was confronted by the ICE officers outside his apartment, and was arrested at his residence (b)(6),(b)(7)(C) Fort Payne, AL. (b)(6),(b)(stated that the officer asked him for identification, and asked which apartment did he lived in. (b)(6),(b) (7)(C) stated that an officer went to his (b)(6),(b)(7)(C) and knocked loud on the door. The door was opened by (b)(6),(b)(7) two young daughters, and (b)(6),(b) stated that the officer(s) then went inside the apartment. (b)(6),(b) (7)(C) stated that (b)(officers stayed with him at his car while the other officer went inside his apartment. (b)(6),(b)(stated that there were (b)(6),(b)(7)(C) officers present, and (b)(7)(E) spoke some Spanish. The officers were wearing shirts with ICE written on the back, and they were wearing weapons.

(b)(6),(b) (7)(C) stated that an officer asked him again for his identification, and he advised the officer that his passport was inside his apartment. (b)(6),(b)(stated that he asked the officers if he could go inside his residence to get his documents. (b)(6),(b) stated that the (b)(officers began talking among themselves, and (b)(officer handcuffed him. (b)(6),(b) stated that he walked to his apartment with the officers following him, and as he walked inside the apartment the officers followed him inside, without asking for permission.

(b)(6),(b) (7)(C) stated that he and the others, which were living in the apartment, were brought to the living room area, and an officer, who spoke a little Spanish, showed everyone a picture wanting to know if anyone knew him. (b)(6),(b)(stated that no one knew the person in the photo. The officer then started asking everyone when did they arrived in the United States.

(b)(6),(b stated that he was taken outside of the apartment where the officer placed leg irons on his ankles, and then transported him to Chattanooga, TN.

SA (b)(6), (b)(7)(showed a photo line-up of the DOs to (b)(6),(b) (7)(C) and he identified all four officers as being at his residence on that date.

Photo Line-Up: (b)(6),(b)(7)(C) selected the below officers from a photo lineup as being at his residence on the day he was arrested. (EXHIBIT 6)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000077

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	013

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

(b)(6),(b)(7)(C)

Re-interview of (b)(6),(b)(7)(C) (EXHIBIT 6)
On March 22, 2012, SA (b)(6),(re-interviewed (b)(6),(b)(7)(C) and present at the interview was an attorney with (b)(6),(b)(7)(who represents detainee (b)(6),(b)(7)(C) An interpreter was used via telephone, and was provided by DHS, CRCL.

(b)(6),(b)(7)(C) stated that he had lived in the apartment for two months when he was arrested in December 11, 2011. He pays $214.00 a month rent to a roommate named (b)(6),(b)(7)(C) who was also arrested that day. The rent is for the bedroom in the apartment where he, his wife and son live.

(b)(6),(b) stated that he first encountered the officers in the parking lot of his apartments. The officers spoke to him in English, and he stated that he did not understand them. (b)(6),(b)(7)(C) admitted that he told the officers a story about being at the residence to buy or fix a motorcycle, but it was only because he was confused and trying to protect his family. He had heard that when immigration comes in this manner they will take your children away from you, and he did not want that to happen. (b)(6),(b)(7)(C) stated that he made up the story to keep the officers out of his apartment. (b)(6),(b stated that he did tell the truth to the officers telling them that he did live at the apartments.

(b)(6),(b)(stated that (b)(officer asked him for his identification while another officer went up to his apartment and knocked hard on the door o (b)(6),(b)(7)(C) stated that his two daughters opened the door, and when the door opened at least one maybe (b)(officers went inside the apartment. (b)(6),(b)(stated that approximately 5-6 minutes later, the officers with him asked again if he had documents. (b)(6),(b)(stated that he told the officers that his documents were inside his apartment. The officers then handcuffed him, and they walked with him to his apartment. (b)(6),(b)(7)(C) stated that when he walked inside his apartment the officers followed him inside without asking for permission.

(b)(6),(b)(7)(C) stated that when he went inside his apartment there were officers already inside talking to the other individuals that lived there. (b)(6),(b)(7)(C) stated that he did not know who gave permission for the officers to go inside and talk with them.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000078

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION CONTINUATION
HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER
013

10. NARRATIVE

(b)(6),(b)(stated that the officer(s) that went inside the apartment earlier met him, and followed him to his bedroom to get his document. (b)(6),(b)(stated that he found his passport, and gave it to the officer. The officer told him to go to the living room and wait.

(b)(6),(b) stated that, at the time of his arrest, his wife (b)(6),(b)(7)(was pregnant, and she was due to deliver any day. While (b)(6),(b)(was in custody, his wife delivered the baby without him. (b)(6),(b)(stated that no officer had asked him for permission to enter and search his residence.

Interview of (b)(6),(b)(7)(C) (EXHIBIT 7)
On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b) in Fort Payne, Alabama. Present during the interview was an attorney with (b)(6), who represents (b)(6),(b) DHS, CRCL provided the Interpreter for the interview via telephone.

(b)(6), (b)(7)(C stated that there were four white male officers that entered the residence wearing police type uniforms with weapons, but he did not see a badge. (b)(6),(b) stated that he heard the officer knock on the front door, and he believes that one of the children living in the apartment had opened the door.

(b)(6),(b stated he was in his bedroom with his wife and son when he overheard the officer(s) asking the children where their mother and father were. (b)(6),(b) stated that the officers then knocked loud and hard on his bedroom door. Upon entering the bedroom, the officer took him, his wife and son into the living room. (b)(6),(b) stated that the officers asked them many questions and afterward an officer handcuffed him. (b)(6),(b) stated that he was put in a vehicle and taken to Chattanooga, TN.

SA (b)(6),(showed (b)(6),(b)(a Photo line-up: (b)(6),(b) identified DO (b)(6),(b)(7)(C) as being at the residence. (EXHIBIT 7)

Re-interview of (b)(6),(b)(7)(C) (EXHIBIT 7)
On March 22, 2012, SA (b)(6),(re-interviewed (b)(6),(b) in Fort Payne, Alabama. Present at the interview was an attorney with (b)(6), (b)(7)(who represents (b)(6),(b) (7)(C) The interpreter was used via telephone and provided by DHS,CRCL.

(b)(6),(b)(stated that, on December 11, 2011 he was in his bedroom with his wife and son. He and his son were in the bed sleeping, and his wife was taking a bath. (b)(6),(b) stated that his wife had locked the bedroom door before taking a bath. (b)(6),(b stated that he heard a loud banging noise on the front door of the apartment. He then heard the officer(s) enter the apartment, and began

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000079

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 013

10. NARRATIVE

talking to the children in the living room. The officer(s) then knocked loud and hard on his bedroom door. (b)(6),(b) stated that he told his wife to open the door to see what the officers wanted.

(b)(6),(b)(stated that an officer entered the bedroom and shined a flashlight in his face while he was still in the bed with his son. The officer asked him for his identification and (b)(6),(b) (7)(C) stated that he keeps all of his personal information in a folder, and he began looking through the folder to locate his passport. (b)(6),(b) (7)(C) stated that he was very nervous, and could not find his document in the folder. The officer grabbed the folder out of his hands, and began looking through it himself. (b)(6),(b)(stated that the officer told him, and his family, to go to the living room. (b)(6),(b) stated that he was trying to call his pastor via phone to let him know what was taking place, and the officer took the phone away from him.

(b)(6),(b) stated that the officers never asked him for permission to enter or search his bedroom or the apartment. (b)(6),(b) (7)(C) stated that he pays rent for the bedroom at the apartment of $215.00 a month.

Interview of (b)(6),(b)(7)(C) (EXHIBIT 8)
On February 28, 2012, SA (b)(6),(b contacted (b)(6),(b)(7)(C) DHS/ICE, Deputy Chief Counsel, Oakdale, Louisiana, regarding the Fourth Amendment training that he provides to the Homewood, AL (b)(6),(b)(7)(C) provided SA (b)(6),(with a copy of the PowerPoint presentation he uses when providing the training.

(b)(6),(b)(7) (C) stated that he has provided Fourth Amendment training to the (b)(6) throughout the New Orleans area of responsibility both in person and via VTC. He has conducted in-person Fourth Amendment training to ERO officers in Alabama, but he was not certain that the officers in Homewood, Alabama participated in the training that he provided. (b)(6),(b)(7) (C) stated that there are several other people that provide Fourth Amendment training as well.

HOMEWOOD (b)(6) DOs INTERVIEWED:

All the DOs stated that they receive Fourth Amendment training every 6 months, as required, by policy.

All the DOs stated that they were aware of the following policy memos: (EXHIBIT 9)

- Documentation of Consent to Enter and Search (Jan 19, 2010);
- Juveniles Encountered During Fugitive Operations (Aug 24, 07);

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000080

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION	2. REPORT NUMBER
HB 4200-01 (37), Special Agent Handbook	013

10. NARRATIVE

- National Fugitive Operations Program: Priorities, Goals, and Expectations (Dec 08, 09);
- Exercising Prosecutorial Discretion (Jun 17, 211)

DO (b)(6),(b)(7)(C) (EXHIBIT 10)
On February 21, 2012, SAs (b)(6),(b)(7)(C) OPR/NO conducted an interview of DO (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) was represented by the (b)(6),(b)(7)(C)

DO (b)(6),(stated that on December 11, 2011, the (b)(6 went to (b)(6),(b)(7)(C) Fort Payne, AL to look for a fugitive alien. The (b)(encountered a male later identified as (b)(6), (b)(6),(b)(7)(C) in the parking lot of his residence. (b)(6),(b)(7)(C) was approached by the (b)(6, and DO (b)(6),(b)(7)(C) believes that he was the officer that spoke to (b)(6),(b)(7)(C) DO (b)(6),(b stated that based on the information that (b)(6),(b)(7)(C) provided, he determined that (b)(6),(b)(7)(C) was in the U.S. illegally.

DO (b)(6),(stated that (b)(6),(b)(7)(C) advised the (b)(6 that he had a passport inside his residence, and he gave the (b)(6 permission to enter his residence to obtain his passport. DO (b)(6),(b)(7)(C) stated that the (b)(6) and (b)(6),(b)(7)(C) then entered his apartment to obtain his passport.

DO (b)(6),(b)(7)(C) stated that upon entering the residence the team encountered (b)(6),(b)(7)(C) and determined that he was an illegal alien. DO (b)(6),(b)(7)(C) stated that he does not recall who spoke to (b)(6),(b)(7)(C) first, and does not recall in what order they entered the residence. DO (b)(6),(stated that he also does not recall who first encountered (b)(6),(b)(7)(C) in the apartment.

DO (b)(6),(b)(7)(C) stated that he prepared the I-213 (EXHIBIT 3), and documented that (b)(6),(b)(7)(C) gave the (b)(6 permission to enter his residence in order to retrieve his Guatemalan passport. But, stated that he did not document who specifically (b)(6),(b gave the consent to. At this time, DO (b)(6),(b)(7)(C) stated that he does not recall.

On March 2, 2012, DO (b)(6),(b)(7)(C) provided an amended affidavit via email. (EXHIBIT 10) DO (b)(6),(b)(7)(C) stated that he believes he was the (b)(6) officer that spoke with (b)(6),(b)(7)(C) and he started talking in English, and when (b)(6),(b)(7)(C) did not understand he spoke in Spanish. DO (b)(6),(stated that (b)(6),(b)(gave consent to enter the apartment to all of the (b)(6 members. DO (b)(6),(stated that he does not recall who encountered (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) (EXHIBIT 11)
On February 22, 2012, SA (b)(6),(b)(7)(C) conducted an interview of DO (b)(6),(b)(7)(C) was represented by the union.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000081

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	013

10. NARRATIVE

DO (b)(6),(b) stated that on December 11, 2011, the (b)(6 initially went to (b)(6),(b)(7)(C) (b)(Fort Payne, AL to look for a fugitive alien, (b)(6),(b)(7)(C) who was on their target list. As the (b)(6 arrived at the apartment complex parking lot, they encountered an individual later identified as (b)(6),(b)(7)(C) DO (b)(6),(b) stated that he approached (b)(6),(b)(7 's vehicle, and asked him which apartment he lived in. DO (b)(6),(b)(7)(C) stated that (b)(6),(b) stated he did not live at this building, and that he was coming over to buy a four wheeled motorcycle that was on the back porch of that apartment building. DO (b)(6),(b stated that he could see the motorcycle on the back porch, and that (b)(6),(b)(7)(C) stated he was buying the motorcycle from some white guy.

DO (b)(6),(b)(7)(C) stated that he went to the door where the motorcycle was located and knocked. A white female answered, and DO (b)(6),(b) stated he asked if she was selling the motorcycle. She replied that it belonged to the people next door. DO (b)(6),(b)(7)(C stated that he then knocked on the apartment next door. A young child, about 5 or 6 years old answered the door. DO (b)(6),(b)(7)(C) stated that he asked the child if her parents were home, and at that time, (b)(7)(the officers who was back at the car with (b)(6),(b)(7)(C) (believe to be DO (b)(6),(b)(7 shouted that (b)(6),(b)(7)(C) admitted that he does live there, and will go inside to get his identification. DO (b)(6),(b)(7)(C stated that they accompanied (b)(6),(b inside apartment to retrieve (b)(6),(b)(7 passport. DO (b)(6),(believes that DO (b)(6),(b)(7)(C) is the officer that received permission from (b)(6),(b) to enter his apartment. DO (b)(6),(b)(7)(C) stated that he does not remember the exact wording of whether they were given permission or how it was obtained.

DO (b)(6),(b)(7)(C stated that DO (b)(6),(b)(7 walked (b)(6),(b)(7)(C) to the apartment, and (b)(6),(b)(7)(C) went inside first, then DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) stated that (b)(6),(b) was asked if anyone else was in the apartment, and if he knew the target (b)(6),(b)(7)(C) . DO (b)(6),(b)(7)(C) stated that everyone that was in the house gathered into the front room of the apartment that had been turned into a bedroom.

DO (b)(6),(b)(7)(C) stated that every adult in the house was asked if they knew the target, and no one claimed to have known him. DO (b)(6),(b)(7)(C) stated that another DO was running identifications on the people in the residence, but he does not remember who it was. DO (b)(6),(b)(7)(C) stated that the (b)(6) made the decision to take the two males into custody (b)(6),(b)(7)(C) . There were at least two females with children, and one adult male that had a child at the residence that were not taken into custody.

DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally, and without proper documentation so he was taken into custody.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000082

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 013

10. NARRATIVE

DO (b)(6),(b)(7)(C) stated that the first encounter he had with (b)(6),(b) was in the common area of the apartment, and has no knowledge of how (b)(6),(b)(7)(C) arrived there. DO (b)(6),(b stated that he also does not recall who checked the identification on (b)(6),(b)(7)(C) It was determined during the routine checks that (b)(6),(b was in the U.S. illegally.

DO (b)(6),(b)(7)(C) (EXHIBIT 12)
On February 23, 2012, SAs (b)(6),(b)(7)(C) conducted an interview of DO (b)(6),(b)(7) DO (b)(6),(b)(7 was represented by the union.

DO (b)(6),(b)(7 stated that when the (b)(6 arrived at the address (b)(6),(b was also getting out of his vehicle. DO (b)(6),(b)(stated that he contacted (b)(6),(b)(and asked him questions concerning his citizenship, and where he lived. (b)(6),(b) said that he was there to work on a mini-bike that was positioned in between two apartments.

DO (b)(6),(b)(stated that he asked (b)(6),(b) for identification, and (b)(6),(b)(admitted that he was in the U.S. illegally. Based on his admission, DO (b)(6),(b)(7 place (b)(6),(b) under arrest and handcuffed him.

DO (b)(6),(b)(stated that, during this time, DO (b)(6),(b was knocking on the door of the apartment. (b)(6),(b) admitted that he lived in the apartment, and his identification (passport) was in the apartment. DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C if they could all go in and get his identification, and (b)(6),(b gave the (b)(6 consent to enter. DO (b)(6),(b)(7 stated that the door was already open, because someone had answered the door when DO (b)(6),(b) knocked. DO (b)(6),(b)(7) stated that he notified DO (b)(6),(that (b)(6),(b)(7)(C did live at that apartment, and he gave consent to enter.

DO (b)(6),(b)(stated that he, (b)(6),(b)(7)(C) went in the residence together, but he does not remember the exact order of how they entered. Once inside they obtained (b)(6),(b) identification and the identification of all the adults inside the residence, with the exception o (b)(6),(b)(All of the adults in the residence were foreign nationals without documentation to be in the U.S. legally.

DO (b)(6),(b)(stated that (b)(6),(b was unable to provide any identification, and admitted that he was in the U.S. illegally. At that time, he was taken into custody.

DO (b)(6),(b)(7)(C) stated that while they were in the apartment, SDDO (b)(6),(b)(7)(C) DO (b)(6),(b) entered the apartment to assist in the search.
DO (b)(6),(b)(7 stated that they did not arrest the other adults in the apartment based upon

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000083

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 013

10. NARRATIVE

executing prosecutorial discretion.

SDDO (b)(6),(b)(7)(C) (EXHIBIT 13)
On February 7, 2012, SAs (b)(6),(b)(7)(C) OPR/NO interviewed SDDO (b)(6),(b) SDDO (b)(6),(b) stated that the (b)(6) went to the location in an attempt to locate a fugitive alien (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) z.

SDDO (b)(6),(b)(7)(stated that prior to knocking on the residence (b)(6),(b)(7)(C) drove up in the parking lot. One of the officers asked him where he lived, and (b)(6),(b)(7)(C pointed toward the apartments. An officer asked him for identification, and (b)(6),(b) said that it was inside the apartment. SDDO (b)(6),(b)(7)(C stated that (b)(6),(b)(7)(C) gave the (b)(6 consent to go inside the apartment with him and retrieve his identification.

SDDO (b)(6),(b) stated that once inside, there were several other people in the apartment. (b)(6),(b)(7)(C) went and obtained his identification. SDDO (b)(6),(stated that (b)(6),(b)(admitted that he was illegal in the U.S., and he was arrested along with (b)(6),(b)(7)(C)

SDDO (b)(6),(b)(7)(C) stated that it was himself, DOs (b)(6),(b)(7)(C) inside the apartment. SDDO (b)(6),(b stated that the (b)(6 was wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions (EXHIBIT 14). All officers were displaying ICE badges, weapons and verbally identified themselves as law enforcement. SDDO (b)(6),(b)(7)(C stated that English and Spanish was used to communicate.

SDDO (b)(6),(b stated that he does not recall which officer initially spoke with (b)(6),(b)(7)(C) and what language was used.

SDDO (b)(6),(b stated that the best he can recall, (b)(6),(b) went in his residence, and allowed the (b)(6 to follow him inside. SDDO (b)(6),(b) stated that he did witness (b)(6),(b)(giving authorization to enter his apartment.

SDDO (b)(6),(b stated that all officers acted in a professional manner, and all policies and procedures were followed.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000084

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

REPORT OF INVESTIGATION

Exhibit List

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

013

EXHIBITS

1. Fugitive Operations Plan
2. Target List
3. I-213's Record of Deportable Alien
4. Copy of 18 USC 1357 (Power of Immigration Officers and Employees
5. Southern Poverty Law Center Letter: Dated December 16, 2011

(b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000085

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER
201203098

PREPARED BY
(b)(6),(b)(7)(C)

2. REPORT NUMBER
014

3. TITLE
EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Closing Report	Investigative Findings	

8. TOPIC
Closing report for CRCL Birmingham

9. SYNOPSIS
On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery Alabama (AL), who reported (b)(concerns about raids conducted by ICE agents in AL. Armed ICE agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission, terrorized families and interrogated United States Citizen Children.

This investigation is closed and does not require any agency action.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) ICE-OPR Special Agent	23-MAY-2012	ICE OPR RAC New Orleans
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	24-MAY-2012	No Phone Number

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000086

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

In a letter dated December 16, 2011, addressed to Department of Homeland Security (DHS) Secretary Janet Napolitano, (b)(6),(b)(7) reported concerns regarding raids conducted by ICE agents in AL. (b)(6),(b)(7)(stated that armed ICE agents allegedly went into trailer parks and apartment complexes in the Fort Payne, AL areas, entered homes in Latino communities without permission, terrorized families and interrogated U.S. Citizen Children.

The armed ICE agents that (b)(6),(b)(7)(C) referenced are members of the ICE, Enforcement and Removal Operations (ERO), (b)(6),(b)(7)(C) in Birmingham, AL. The (b)(6) consists of (b)(7)(E) Deportation Officer (SDDO (b)(6),(b)(7)(C) and (b)(7)(E) Deportation Officers (DO) (b)(6),(b)(7)(C).

From December 9, 2011, through December 11, 2011, the Birmingham (b)(6) participated in (b)(6),(b)(7)(C) a national enforcement program designed to arrest ICE fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens.

While planning this operation the (b)(6 identified thirty-five ICE fugitives living in their area of responsibility. The (b)(prepared a Field Operations Worksheet (FOW) for each fugitive identified along with their last known address. If available, the (b)(6 attached a photograph of the fugitive alien along with biographical information to properly identify the fugitive.

Prior to the commencement of the operation, the (b)(6 prepared a Fugitive Operations Plan (OPS Plan) which was approved through ICE, ERO Headquarters. The OPS Plan designated the dates of the operation along with names of each targeted fugitive alien. The OPS Plan also stated that no local law enforcement would be involved and no juveniles would be targeted during the operation.

A "Warrant of Deportation/Removal" (Form I-205) was issued for each fugitive alien targeted during this operation. The last known address associated with the targeted alien is listed on the Form I-205. The Form I-205 is an administrative warrant that does not authorize the (b)(6),(b to enter residences or other private areas of the residence.

A memorandum dated December 8, 2009, "National Fugitive Operations Program: Priorities, Goals, and Expectations" from the Assistant Secretary, John Morton to the ERO, Field Office Directors (FOD) and all (b)(6) members, clarifies the enforcement priorities of the National Fugitive Operations Program within ERO. The memorandum states that (b)(6 members will receive Fourth Amendment training every 6 months which will focus on the special considerations when

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000087

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION HB 4200-01 (37), Special Agent Handbook	2. REPORT NUMBER 014

10. NARRATIVE

apprehending fugitives at their homes.

Each (b)(6) member stated that they receive Fourth Amendment training every 6 months, as required, by policy.

Each (b)(6), members stated that they were aware of the following policy and guidance memorandums:

• Documentation of Consent to Enter and Search (Jan 19, 2010); In the "Documentation of Consent to Enter and Search", memorandum mentioned above, it states, in part, that when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as identity of any other individuals that witness the granting of consent. The officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the FOW as soon as it is practical after receiving consent. If an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

• Juveniles Encountered During Fugitive Operations (Aug 24, 2007); This memorandum provides clarification to ERO, (b)(6) who encounter U.S. citizen and Lawful Permanent Resident(LPR) juveniles during execution of enforcement initiatives targeting fugitive aliens.

• Exercising Prosecutorial Discretion (Jun 17, 2011) This memorandum provides ICE personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. It also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

On February 28, 2012, SA (b)(6),(contacted (b)(6),(b)(7)(C) DHS/ICE, Deputy Chief Counsel, Office of Principal Legal Advisor (OPLA) Oakdale, Louisiana, regarding the Fourth Amendment training that he provides to the (b)(6) in Birmingham, AL. Deputy Chief (b)(6),(b) provided SA (b)(6), (b)(7)(with a copy of the PowerPoint presentation he uses when providing the training. Deputy Chief (b)(6),(stated that he has provided Fourth Amendment training to the (b)(6) throughout the New Orleans FOD area of responsibility both in person and via Video Teleconferencing (VTC). He has conducted in-person Fourth Amendment training to ERO officers in Alabama, but he was not certain that the officers in Birmingham participated in the training that he provided. Deputy Chief (b)(6),(b) (7)(C) stated that there is another attorney that provides Fourth Amendment training as well,

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000088

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	014

10. NARRATIVE

Deputy Chief Counsel (b)(6),(b)(7)(C)

OPR obtained copies of the "Employee Training Checklist" that shows names and dates of employees that participated in the Fourth Amendment Training. The Birmingham (b)(6), members received Fourth Amendment Training on May 5, 2011 and on November 3, 2011.

DETAILS OF INVESTIGATION:

In their complaint, (b)(6), identified nine addresses where they alleged violations occurred. The (b)(6), presented witnesses from each of these nine locations to support their claims. During the course of this investigation, OPR interviewed the witnesses presented by the (b)(6), as well as the ERO employees identified as participating in the enforcement actions at each location. The following is a breakdown of each location identified by the (b)(6), and the statements made by the (b)(6), witnesses and the involved ERO employees.

Each address is listed by the name of the individual arrested at the location.

1. (b)(6),(b)(7)(C) Scottsboro, AL

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, Special Agents (SAs) (b)(6),(b)(7)(C), ICE, Office of Professional Responsibility, New Orleans, (OPR/NO) Louisiana, interviewed detainee (b)(6),(b)(7)(C) at the LaSalle Detention Center (LDC), Jena, Louisiana. Present at the interview were two attorneys, (b)(6),(b)(7)(C) from (b)(6), and two representatives from DHS, Civil Rights and Civil Liberties (CRCL), (b)(6),(b)(7)(C) Washington, D.C. The interview was memorialized in an Agent Affidavit by SA (b)(6), (b)(7)(C).

Detainee (b)(6),(b)(was allowed contact with the (b)(6), attorneys the day before and the day of the interview. A release form was furnished by (b)(6), to represent and advise detainee (b)(6),(b)(7)(C).

Detainee (b)(6),(b)(stated that he and his wife (b)(6),(b)(were sitting in a car in the driveway when the officers approached them and stated they had a deportation warrant for his arrest. Detainee (b)(6),(b)(7)(C) stated that his wife told the officers that she had documents she received from ICE regarding his status. Detainee (b)(6),(b) stated that he and his wife went inside their residence to obtain the documents and the officers followed them inside. Detainee (b)(6),(b)(7)(C) stated that he did not give permission for the officers to enter his residence and conduct a search.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000089

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6),(b)(7)(C)

2. REPORT NUMBER

014

10. NARRATIVE

Detainee (b)(6),(b)(7) stated he was never mistreated by the officers. Detainee (b)(6),(b) stated that he remembers what the officers were wearing, but he does not remember what they looked like.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present at the interview was an attorney, (b)(6),(b)(7)(C) (b)(6),(b)(7 from SPLC and (b)(6),(b)(7)(C) from CRCL via telephone. Interpreters were provided by CRCL via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was in contact with the (b)(6),(attorney before the interview. A Release form was furnished by (b)(6),(to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that (b)(7)(E) armed officers, wearing uniforms with ICE written on the back, displaying a badge and a weapon came to her residence. (b)(6),(b)(7)(C) stated that she, her husband (b)(6),(and two children were in their vehicle preparing to take the children to school. (b)(6),((b)(6),(b)(stated that the officers said they were there to arrest her husband. (b)(6),(b)(7)(C) stated that she advised the officers that she had documents from ICE regarding her husband's status in her residence, and the officer told her to go get them. (b)(6),(b)(7)(C) stated that she and her family went inside the residence, and the (b)(officers entered their home without permission.

(b)(6),(b)(7)(C) stated that no one was injured that day and the officers never mistreated them. was shown photo line-ups of the (b)(6 members and (b)(6),(b)(7)(C) could not identify any (b)(6 member.

Re-Interview of (b)(6),(b)(7)(C)

On March 26, 2012, SA (b)(6),(b conducted a telephonic re-interviewed with (b)(6),(b)(7)(C) and (b)(6),(attorney (b)(6),(b)(7)(C) The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) maintained that neither she nor her husband (b)(6),(b)(7)(gave the officers permission to enter their residence. (b)(6),(b)(7)(C) stated that the officers just walked inside and followed her to her bedroom to retrieve some documentation.

Interview of DC (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) OPR/NO conducted a witness interview of

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000090

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

DO (b)(6),(b)(7) who was represented by (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided a Disclosure Warning for Union Representative.

DO (b)(6),(b)(stated that he and SDDO (b)(6),(b)(7)(C) confronted (b)(6),(b)(7)(C) outside of his residence, and identified themselves as ICE agents with a warrant for his arrest. DO (b)(6),(b)(7 stated that the wife (b)(6),(b), said she had documents in her house pertaining to her husband's legal status. DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) and his wife (b)(6),(b)(if they could all go inside the residence to see the other documents. DO (b)(6),(b)(7)(C) stated that both the target and his wife agreed, and they all went into the residence.

Interview of SDDO (b)(6),(b

On May 8, 2012, SA (b)(6),(b)(7)(conducted a telephonic interview with SDDO (b)(6),(b)(SDDO (b)(6),(b)(7)(C) provided an affidavit regarding his participation with this target address. SDDO (b)(6),(b was provided with a Disclosure Warning.

SDDO (b)(6),(b stated that (b)(6),(b)(7)(C was encountered inside his vehicle parked in his driveway accompanied by his U.S. Citizen wife and children. SDDO (b)(6),(b) stated that he and DO (b)(6),(b)(7)(identified themselves as agents and positively identified (b)(6),(b)(7)(C) as their fugitive.

SDDO (b)(6),(b)(7)(C stated that the wife (b)(6),(b)(7)(C) provided an I-130 receipt (Petition for Alien Relative) from the vehicle glove compartment, and stated that she had additional documentation inside the residence. SDDO (b)(6),(stated that (b)(6),(b)(7)(C) and his wife mutually agreed to allow him and DO (b)(6),(b)(to enter the residence with them to locate additional immigration documents. SDDO (b)(6),(b) stated that the (b)(6),(b)(s had no additional documents to indicate relief from the removal order and (b)(6),(b)(7)(C) was taken into custody.

FOW and Form I-213

The FOW was prepared by DO (b)(6),(b)(7)(C) and does not provide information regarding who gave consent to enter the residence or who witnessed.

The Form I-213 was prepared by DO (b)(6),(b)(7 and nothing is mentioned in the form regarding consent to enter the residence.

2 (b)(6),(b)(7)(C) Fort Payne, AL.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000091

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b) at LDC. Present at the interview were two attorneys from (b)(6),(b)(7)(C) and two representatives from CRCL, (b)(6),(b)(7)(C) An interpreter was provided via telephone by DHS, CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(

Detainee (b)(6),(b) was allowed contact with the (b)(6),(attorneys the day before and the day of the interview. A Release form was furnished by (b)(6),(to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that he was in his front yard when (b)(officers wearing ICE clothing with a gun and badge threw him to the ground cutting his left cheek. Detainee (b)(6),(b)(7)(C) stated that after being handcuffed the officers then went into his residence with him to get his documents. Detainee (b)(6),(b) stated that he did not ask for medical treatment and he did not give the officers permission to search his residence.

(b)(6),(b)(7)(C) 2nd Interview

On March 5, 2012, SA (b)(6), re-interviewed detainee (b)(6),(b)(at LDC. Present at the interview was an attorney from (b)(6),(b)(7)(C) An interpreter was provided via telephone by DHS, CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that he never cut his left cheek as he previously stated and that it was (b)(7)(E) officer (b)(7)(E) that arrested him. When asked why he embellished his previous statement he replied that he did not remember saying it.

Interview of DO (b)(6),(b)(7)(

On February 23, 2012, SAs (b)(6),(b)(7)(C) nterviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(were looking for a fugitive, (b)(6),(b)(7)(C) that lived across the street from Lot 211 when DO (b)(6),(b)(7)(C) observed several people exit the target's residence and go across the street into the trailer on (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated that when he arrived at (b)(6),(b) there were three adults standing outside the trailer and everyone denied that anyone came from across the street. One of the adult individuals began to run toward the trailer, and DO (b)(6),(b)(7)(C) stated he stopped him for officer safety reasons.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000092

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

DO (b)(6),(b)(7 stated that he handcuffed the individual because no other officer was present to assist. DO (b)(6),(b)(7 stated that the individual, who was later identified as (b)(6),(b)(7)(C) did not complain of any injuries.

DO (b)(6),(b)(7 stated that he and DO (b)(6),(b) confronted another male at the residence identified as (b)(6),(b)(7)(C) regarding the target, (b)(6),(b)(7)(C) and requested permission to enter his residence (b)(6),(b)(7)(C) to look around. DO (b)(6),(b)(7) stated that (b)(6),(b)(7)(C) granted permission for them to enter his residence to look for their fugitive. DO (b)(6),(b)(7) stated that (b)(6),(b)(7)(C) was not under duress, and the consent was freely given.

DO (b)(6),(b)(7)(C) stated that he and DO (b)(6),(b)(entered the residence with (b)(6),(b)(7 and searched for the fugitive who they were unable to locate. DO (b)(6),(b)(7)(C) stated that it was determined through admission and record checks that (b)(6),(b)(7) was in the U.S. illegally and he was taken into custody. DO (b)(6),(b)(7) stated that another individual named (b)(6),(b)(7)(C) was also arrested at this location for not having proper documents, and admitted to being in the U.S. illegally.

Interview of DO (b)(6),(b)(

On February 24, 2012, SA (b)(6),(b)(7)(C) conducted a witness interview of DO (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was represented by Union President (b)(6),(b)(7)(C DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Union Representative.

DO (b)(6),(b)(stated that she observed six to seven people from the target location walking across the street into the trailer at (b)(6),(b) DO (b)(6),(b)(7)(C) stated that she went to (b)(6),(to assist DO (b)(6),(b)(7)(C) and when she arrived, DO (b)(6),(b)(7)(C) had a male in handcuffs who was later identified as (b)(6),(b)(7)(C)

DO (b)(6),(b) stated that they identified themselves as Immigration Officers and inquired about the individuals that walked from across the street. DO (b)(6),(b) stated that everyone denied seeing or knowing those individuals. DO (b)(6),(b)(7)(C) stated that they had discovered that (b)(6),(b)(7)(C) was a prior deport and he was arrested.

DO (b)(6),(b)(7)(C) stated that two other males were arrested at the residence for being in the U.S. illegally. (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000093

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

OPR did not interview (b)(6),(b)(7)(C) because of the difficulty in locating these two individuals.

Form I-213

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C) and it makes no mention of who gave consent to enter the residence.

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C), and it makes no mention who gave consent to enter the residence.

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C) and it states that (b)(6),((b)(6),(b)(7)(C) gave the (b)(6) permission to enter and search the residence.

3. (b)(6),(b)(7)(C) Fort Payne, AL

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(C) at LDC. Present at the interview were two attorneys (b)(6),(b)(7)(C) from (b)(6), and two representatives from CRCL, (b)(6),(b)(7)(C) Interpreters were provided by CRCL via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) was allowed contact with the (b)(6),(attorneys the day before and the day of the interview. A Release form was furnished by (b)(6),(to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(b stated that she and her husband, (b)(6),(b)(7)(C) arrived at their residence and officers were there waiting for them. Detainee (b)(6), stated that the officers showed her a photo of her husband and asked for identification. Detainee (b)(6),(b stated that her identification was in the residence, and the officers asked her to open the door to go and look for her identification. Detainee (b)(6),(stated that when she walked into her residence (b)(7)(E) officers followed her inside searching her bedroom and their son's bedroom. Detainee (b)(6),(stated that the officers were wearing vests with ICE on it, and she was arrested along with her son, (b)(6),(b)(7)(C) Detainee (b)(6),(b)(7)(stated that her husband was not arrested because he had just filed for a motion to re-open his immigration case.

Interview of DO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000094

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

On February 23, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated that he confronted (b)(6),(b)(7)(C) along with his wife (b)(6),(b)(7)(C) in front of their residence. DO (b)(6),(b)(7) stated that upon conducting record checks on (b)(6),(b)(7) it indicated that she had an active immigration warrant and (b)(6),(b)(7)(C) was taken into custody.

DO (b)(6),(b)(7 stated that (b)(6),(b)(7)(C) indicated that he had a new court hearing with the immigration judge, and that his paperwork was inside the residence. DO (b)(6),(b)(7 stated that he asked for permission to go with (b)(6),(b)(7)(C) inside the residence to retrieve the paperwork, and (b)(6),(b)(7)(C) agreed to allow them to enter. DO (b)(6),(b)(7 stated that he along with (b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C) entered the residence. DO (b)(6),(b)(7) stated that while inside the residence they encountered (b)(6),(b)(7)(C) adult son who provided identification that he was (b)(6),(b)(7)(C). DO (b)(6),(b)(stated that it was determined through immigration record checks (b)(6),(b)(7)(C) was in the U.S. illegally and he was taken into custody.

Interview of SDDO (b)(6),(b)(7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C)

SDDO (b)(6),(b stated that the (b)(6),(was at the address looking for a fugitive named (b)(6),(b)(7)(C). While they were at the residence (b)(6),(b)(7)(C) and his wife, (b)(6),(b)(7)(C) returned home in their vehicle. SDDO (b)(6),(b stated that DOs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(went to the vehicle to talk to them.

SDDO (b)(6),(b stated that after conducting several computer queries, it was determined that (b)(6),(b)(6),(b)(7)(had an active Warrant of Deportation (I-205), and she was also identified as an ICE fugitive alien.

SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) had immigration court documents in his possession that indicated he was granted a motion to reopen in his immigration court proceedings dated 12/9/2011, and (b)(6),(b)(7)(C) was not taken into custody.

SDDO (b)(6),(b stated that their son, (b)(6),(b)(7)(C) was arrested for not having documents and being in the U.S. illegally. (b)(6),(b)(7)(C) was released after processing on his own recognizance (OR).

SDDO (b)(6),(b stated that he does not know who gave permission for the (b)(members to enter

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000095

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

the residence.

Interview of DO (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) was represented by (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided a Disclosure Warning for Union Representative.

DO (b)(6),(b)(7)(C) stated that the (b)(6 went to the address to locate fugitive (b)(6),(b)(7)(While at the residence (b)(6),(b)(7)(C) and his wife, (b)(6),(b)(7)(C) arrived at the residence in their vehicle. DO (b)(6),(b)(7)(C stated that he approached the vehicle and identified (b)(6),(b)(7)(C) as their fugitive.

DO (b)(6),(stated that after conducting computer queries it was determined that (b)(6),(b)(7)(C) was identified as an ICE fugitive. DO (b)(6),(b) stated that (b)(6),(b)(7)(C) claimed to have documentation in his residence to show his case had been re-opened, and (b)(6),(b)(7)(C) claimed to have her immigration papers in the residence, as well. DO (b)(6),(stated that both, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) gave consent for the (b)(to enter the residence.

DO (b)(6),(b)(7)(C) stated that the (b)(6),(b)(7)(C) was in possession of documents showing that his case was reopened so he was not taken into custody. (b)(6),(b)(7)(had no paperwork showing legal status, therefore she was arrested.

DO (b)(6),(b)(7)(C stated that their son, (b)(6),(b)(7)(C) was also encountered by the (b)(6 in the residence. DO (b)(6),(b)(7)(C) stated that it was determined that (b)(6),(b)(7)(C) was illegally in the U.S. and he was arrested along with his mother.

Form I-213

The Form I-213 for detainee (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C) and states that the "fugitives" gave the (b)(permission to enter their trailer and search for documents. It does not mention who received the consent or who witnessed the consent.

The Form I-213 fo (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(and the form states that the " fugitives" gave permission for the (b)(6),(to enter the residence.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000096

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

4. (b)(6),(b)(7)(C) Fort Payne, AL.

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b) at LDC. Present at the interview were two attorneys from (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)(7)(C) Also, two representatives, (b)(6),(b)(7)(C) from DHS, CRCL were present. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) was allowed contact with the (b)(6),(attorneys the day before and day of the interview. A release form was furnished by (b)(6),(b) to represent and advise detainee (b)(6),(b)(7)

Detainee (b)(6),(b)(7)(C) stated that there were (b)(officers wearing uniforms with ICE written on their backs that came to his residence. Detainee (b)(6),(b)(7)(C) stated that his wife, (b)(6),(b)(7)(C) was going to work when the officers approached her. Detainee (b)(6),(b) stated that his wife knocked on the front door and advised him that the police were there to see him. Detainee (b)(6),(b)(7)(C) stated that when his wife came inside the (b)(officers came in behind her. Detainee (b)(6),(b)(7)(C) stated that no one gave the officers permission to enter the residence.

Detainee (b)(6),(b) stated that the officers said they had a warrant for his arrest. Detainee (b)(6),(b) stated that he was in his sleeping clothes, but the officers would not allow him to change and when he went to pick up his shoes the officers grabbed him and threw him to the floor. Detainee (b)(6),(b)(7)(C) stated that the officers put his hands behind his back and handcuffed him while (b)(7)(E) officers put their foot on his back. Detainee (b)(6),(b) stated that he suffered an injury to his left shoulder, but he did not ask for medical treatment at that time.

(b)(6),(b)(7)(C) 2nd Interview

On March 5, 2012, SA (b)(6), re-interviewed detainee (b)(6),(b)(7)(C) at the LDC. Present at the interview was attorney (b)(6),(b)(7)(C) from (b)(6),(who represents detainee (b)(6),(b)(7 The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that he is suffering from the injury he received to his left shoulder during his arrest in December 2011. Detainee (b)(6),(b)(stated that he is currently receiving treatment for his left shoulder injury from the doctor at LDC, and does not feel that he is getting better.

Interview of Medical Director (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000097

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

On March 5, 2012, SA (b)(6), interviewed (b)(6),(b)(7)(C) Director for Medical Services at LDC. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Director (b)(6),(b stated that detainee (b)(6),(b)(7)(C) had never reported a shoulder injury to the medical staff, and detainee (b)(6),(b)(7)(C) is not under any medical care for his shoulder. Director (b)(6),(b) provided a copy of detainee (b)(6),(b)(7)(C) medical records. After reviewing the medical records it was determined there is nothing to indicate that detainee (b)(6),(b)(7)(C) complained or was examined for a shoulder injury.

Interview of (b)(6),(b)(7)(C)

On January 27, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C Present at the interview was attorney (b)(6),(b)(7)(C) from (b)(6), who represents (b)(6),(b)(7)(C) The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(

(b)(6),(b)(7 s was in contact with the (b)(6),(attorneys before the interview. A release form was furnished by (b)(6), to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(stated that she was in her vehicle preparing to go to work when an officer grabbed her by the jacket to get her attention. (b)(6),(b)(7)(C) tated that the officer advised her he was looking for a man, and wanted to know who lived in the residence with her. (b)(6),(b)(7)(C) stated she told the officer that she along with her husband and daughter lives at the residence.

(b)(6),(b)(7)(C) stated that she knocked on the front door, and when her husband opened the door the officers immediately went inside the residence without permission. (b)(6),(b)(7)(C) stated that besides the (b)(7)(E) officer that was talking with her, (b)(7)(E) officers came to her residence wearing uniforms, and believes that the officers were armed.

(b)(6),(b)(7)(C) was shown photo line-ups of the (b)(6 members and she identified DO (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) as being at the residence. (b)(6),(b)(7) could not identify what each officer did while at her residence.

Interview of DO (b)(6),(b)(7)(

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(stated that the (b)(6),(b)(7)(went to the location to arrest the ICE fugitive (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000098

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

stated that he, SDDO (b)(6),(b)(7)(C) went to the address wearing ICE outer vest covers and identified themselves as police/ICE Agents.

DO (b)(6),(b stated that DOs (b)(6),(b)(7)(C) obtained consent from (b)(6),(b)(7)(to enter the residence. DO (b)(6), (b)(7)(C) stated that while the (b)(6 was in the residence (b)(6),(b)(7)(C) was holding his keys, and he was told by officers to drop them. DO (b)(6), (b)(7)(C) stated that (b)(6),(b)(7)(C) refused to comply and resisted being handcuffed.

Interview of DO (b)(6),(b)(

On February 22, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) was represented by (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided a Disclosure Warning for Union Representative.

DO (b)(6),(b) stated that the (b)(6 encountered detainee (b)(6),(b)(7)(C) wife (b)(6),(b)(7)(C) who was getting into her vehicle. DO (b)(6),(b)(7)(C) stated that he made contact with (b)(6),(b)(7)(and advised her that they were looking for someone who lives at that address. DO (b)(6),(b)(7)(C) stated that he asked (b)(6) (b)(6),(b if he could go inside and talk to her husband, and she replied "yes". DO (b)(6),(b)(stated that he and DO (b)(6),(b)(walked to the front door with (b)(6),(b)(7)(and as the door opened, detainee (b)(6),(b)(was standing in the doorway. DO (b)(6),(b)(stated that he had a photo of detainee (b)(6),(b)(so he recognized him immediately. DO (b)(6),(b) stated that he advised detainee (b)(6),(b)(who they were, and asked detainee (b)(6),(b)(7 if the (b)(6),(could come inside and talk to him. DO (b)(6),(b) stated that detainee (b)(6),(b gave consent for them to enter the residence.

DO (b)(6),(b) stated that once inside, detainee (b)(6),(b) was asked for his documents, and detainee (b)(6),(b)(7)(C) went to the bedroom to retrieve his identification. DO (b)(6),(b)(stated that he told detainee that they had a warrant for his arrest. Detainee (b)(6),(b)(had a set of keys in his hand, which he would not let go of. DO (b)(6), (b)(7)(C) stated that (b)(6),(b)(7)(was trying to go past the (b)(6 members and leave the bedroom. DO (b)(6),(b)(stated that when one of the (b)(6 members grabbed (b)(6),(b)(7)(C) hands, he resisted and DO (b)(6),(b)(7)(C) grabbed (b)(6),(b)(7)(C) placing him on the bed while DO (b)(6), (b)(7)(C) placed handcuffs on him.

Interview of DO (b)(6),(b)(7)

On February 23, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000099

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	014

10. NARRATIVE

DO (b)(6),(b)(7 stated that he observed a female, later identified as (b)(6),(b)(7)(C) come out of the residence and get into a vehicle. DO (b)(6),(b) (7)(C) stated that DO (b)(6),(b) asked (b)(6),(b)(7 if they could enter the residence to speak to her husband and she agreed. As they approached the front door, it was opened by a Hispanic male, who was identified by the picture on the FOW as (b) (6) (b)(6),(b) (7)(C). DO (b)(6),(b)(7 stated that DO (b)(6),(b) (7)(C) asked (b)(6),(b)(7) (C) if they could come inside to talk with him and he gave consent.

DO (b)(6),(b)(7 stated that it was explained to (b)(6),(b)(7)(, and his wife, that they had a warrant for (b)(6),(b)(7)(C) arrest, and at that time (b)(6),(b)(7)(C) became combative and (b) (6) (members had to secure (b)(6),(b)(7)(C)

Interview of DO (b)(6),(b) (7)(C)

On February 24, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b) (7)(C)

DO (b)(6),(b) (7)(C) stated that the (b)(6 was at the residence looking for ICE fugitive (b)(6),(b) (7)(C) DO (b)(6),(b)(7) (C) stated that when she arrived at the residence the other (b)(6 members were already inside. DO (b)(6),(b) (7)(C) stated that she went inside the residence and noticed a female in the kitchen area. DO stated that she began talking with the female to help calm her while detainee (b)(6),(b) (7)(C) was being arrested.

Interview of SDDO (b)(6),(b) (7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b) (7)(C)

SDDO (b)(6), (b)(7)(C stated that he was located at the rear of the address to provide coverage to the (b)(6) . The (b)(6 was at the residence searching for an ICE fugitive named (b)(6),(b) (7)(C) SDDO (b)(6), (b)(7)(stated that they were all wearing vest and identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. SDDO (b)(6),(b) (7)(C) stated that all officers were displaying their ICE badges, weapons and verbally identified themselves as law enforcement.

SDDO (b)(6),(b stated that he did not know who gave (b)(6 members consent to enter the residence.

SDDO (b)(6),(b stated that after encountering detainee (b)(6),(b) , the (b)(6 members explained to him that there was a warrant for his arrest, and at that time detainee (b)(6),(b) became resistant and control techniques were used to place detainee (b)(6),(b) (7)(C) in handcuffs. SDDO (b)(6), (b)(7)(C stated

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000100

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

that after (b)(6),(b)(7)(was in handcuffs, he began to apologize for resisting.

FOW and FORM I-213

The FOW was prepared by DO (b)(6),(b) and it states that the "Subject" gave consent to enter the residence.

The Form I-213 was prepared by DO (b)(6),(b) and it states that both (b)(6),(b)(7)(C) gave consent for the (b)(6),(b) to enter the residence.

5 (b)(6),(b)(7)(C) Fort Payne, AL.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney from (b)(6),(b)(7)(C) and from CRCL, (b)(6) (b)(6),(b)(7)(C) participated via telephone. CRCL provided the interpreter for the interview via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

(b)(6),(b)(7 was in contact with the (b)(6), attorney before the interview. A Release form was furnished by (b)(6),(to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that officers wearing clothes with ICE on their back knocked on the front door, and when he opened the door the officers entered without asking permission. (b)(6),(b)(7)(C) stated that the officers showed him a photograph of a female who reportedly used the address (b)(6),(b)(7)(C) stated he advised the officers that he did not know the female in the photograph.

(b)(6),(b)(7 stated that the officers asked him if they could search his trailer, and (b)(6),(b)(stated that the officers were already inside looking around anyway. (b)(6),(b)(7)(C) stated that on the top of his television was a photograph of his two daughters who are 19 and 20 years old. (b)(6),(b)(7)(C) stated that (b)(officers looked at the picture and began laughing saying that they liked those "pussies" in the picture. (b)(6),(b)(7)(C) stated that he cannot remember which officer made the comment.

(b)(6),(b)(7 was shown photo line-ups of the (b)(6 members and (b)(6),(b)(7)(C) identified DO (b)(6),(b)(and DO (b)(6),(b)(7)(C as being at his residence, but he did not remember which officer did what while inside the residence.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000101

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	014

10. NARRATIVE

OPR requested a copy of the photo that (b)(6),(b)(7)(C) described for investigative purposes, but (b)(6),(b)(7)(declined the request.

Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SA (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b) stated that he along with DO (b)(6),(b)(7)(C) went to the address to locate fugitive (b)(6),(b)(7)(C) DO (b)(6),(b)(stated that SDDO (b)(6),(b knocked on the door, and a man, later identified a (b)(6),(b)(7)(C) was advised that the (b)(6 was looking for someone that was using his address.

DO (b)(6),(b)(7 stated that (b)(6),(b)(7 granted permission for them to enter and to search the residence. DO (b)(6),(b)(7) stated that they showed a photograph of (b)(6),(b)(7)(C) and he stated that he did not know her. DO (b)(6),(b)(7) stated that (b)(6),(b)(7)(C) was asked about his immigration status, and it was determined that he was illegally in the U.S., and he was taken into custody.

DO (b)(6),(b)(7 stated that they were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified themselves as law enforcement.

Interview of DO (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C stated that he along with SDDO (b)(6),(b)(7)(C) went to the address looking for fugitive (b)(6),(b)(7)(C) . DO (b)(6),(b)(7)(C) stated that when they knocked on the front door a Hispanic male (b)(6),(b)(7)(C) gave (b)(6 members consent to enter the residence. DO (b)(6),(b)(7)(C stated they were wearing outer ICE vest covers with their badges, identifying themselves as police and or ICE agents. DO (b)(6),(stated that the ICE fugitive was not located, but (b)(6),(b)(7)(C) was arrested for being in the U.S. illegally.

Interview of SDDO (b)(6),(b)(7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000102

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

SDDO (b)(6),(b stated that he along with DOs (b)(6),(b)(7)(C) went to the residence looking for a female fugitive (b)(6),(b)(7)(SDDO (b)(6),(b)(7)(C) stated that he knocked on the front door and (b)((b)(6),(b)(7) answered. SDDO (b)(6),(b stated that he showed (b)(6),(b)(7)(C) a photograph of (b)(6),(b)(7)(C) said he did not know her, and that no women lived in the house. SDDO (b)(6),(b) stated that (b)(6),(b)(then said they can come in and look around.

SDDO (b)(6),(b stated that they were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. Each officer was displaying ICE badges, weapons and verbally identified themselves as law enforcement.

FORM I-213

The Form I-213 was prepared by DO (b)(6),(b) and it states that (b)(6),(b)(7)(C) gave the (b)(6 members permission to enter and search his residence. The Form I-213 does not state who obtained or witnessed the consent.

6. (b)(6),(b)(7)(C) Fort Payne, AL

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(C) at LDC. Present at the interview were (b)(attorneys from (b)(6),(b)(7)(C) and two representatives from CRCL (b)(6),(b)(7)(C) Interpreters were provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) was in contact with the (b)(6),(attorneys the day before and the day of the interview. A release form was furnished by (b)(6), to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) stated that he was outside his residence when the officers approached him and asked for his documents. Detainee (b)(6),(b)(7)(C) stated that he went inside his home and brought out his documents, giving them to the officers. Detainee (b)(6),(b)(7)(C) stated that one of the officers took his documents and made a phone call. After the phone call the officer placed him in handcuffs. Detainee (b)(6),(b)(stated that no officer ever told him why he was being arrested. Detainee (b)(6),(b)(7) stated that after the officer handcuffed him, the other officer went inside his residence without permission and stayed inside for about ten minutes. Detainee (b)(6),(b)(stated he did not know why the officer went into his residence, but he did not have permission from him to enter.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000103

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

Interview of DO (b)(6),(b)(

On February 22, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(

DO (b)(6),(b stated that they went to the address looking for a female ICE fugitive. DO (b)(6),(b)(stated that he drove past the residence and noticed a male in the backyard. DO (b)(6),(b)(stated he approached the male and identified himself as (b)(6), (b)(7)(C) (b)(6),(b)(7)(C)

DO (b)(6),(b)(stated that he advised detainee (b)(6),(b) (7)(C) that they were looking for someone who had used the address in the past, and asked if they could go inside and look around. DO (b)(6), (b)(7)(C) stated that detainee (b)(6),(b)(gave them permission to enter the residence, but the target was not located.

DO (b)(6),(b) (7)(C) stated that after running record queries through immigration records, they discovered that detainee (b)(6),(b) (7)(C) was previously removed from the United States. DO (b)(6),(b stated that detainee (b)(6),(b) (7)(C) was told that he was under arrest for being a previously removed alien.

Interview of DO (b)(6),(b)(7)(C

On February 23, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7

DO (b)(6),(b) (7)(C) stated that they went to the address looking for a female ICE fugitive and observed (b)(6),(b)(7)(C) in the backyard of the residence. DO (b)(6),(b)(stated that he along with SDDO (b)(6),(b)(7)(C) approached (b)(6),(b)(7) (C). DO (b)(6),(b)(7) (C) stated that SDDO (b)(6),(b began checking (b)(6),(b)(7)(C) identification, and running records checks while he and DO (b)(6),(b) explained to (b)(6),(b)(7)(C) that they were looking for a female reported to have lived at the address. DO (b)(6),(b)(7) stated that they asked (b)(6),(b)(7) (C) for permission to enter his residence to search for the fugitive and (b)(6),(b)(7)(C) gave them consent.

DO (b)(6),(b)(7) (C) stated that before they entered the residence it was discovered that (b)(6),(b)(7) (C) had been previously removed and he was taken into custody.

DO (b)(6),(b)(7 stated that he along with DO (b)(6),(b)(7)(C) entered the residence. The target was not found.

Form I-213

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000104

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	014

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

The Form I-213 was prepared by DO (b)(6),(b)(7)(and it does not mention who gave consent to enter the residence and who witnessed the consent being given.

7 (b)(6),(b)(7)(C) Rainsville, AL.

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SAs (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(at the LDC. Present at the interview were two attorneys from (b)(6),(b)(7)(C) and two representatives from CRCL (b)(6),(b)(7)(C) The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(

Detainee (b)(6),(was allowed contact with the (b)(6),(attorneys the day before and the day of the interview. A release form was furnished by (b)(6),(to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(stated that he was in his bedroom when officers arrived. Detainee (b)(6),(stated his wife (b)(6),(b)(7)(C) answered the door, and the officers came into the residence without permission. After coming inside, the officers came into the bedroom where he was located and arrested him. Detainee (b)(6),(b)(7)(C stated that the officers were wearing vests with ICE on it. Detainee (b)(6),(stated that he could not identify any of the officers.

Interview o (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. (b)(6),(b)(7)(C) was represented by an attorney (b)(6),(b)(7)(C) from (b)(6),(Also, via telephone, (b)(6),(b)(7)(C) from CRCL were present. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C

(b)(6),(b)(7)(C) was in contact with the (b)(6),(attorney before the interview. A release form was furnished by (b)(6),(to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that (b)(7)(E) officer each wearing vest with ICE on the back came to her residence. (b)(6),(b)(7)(C) stated that the officers knocked on the door, and when she opened it the officers stated they were looking for a person named (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) stated that the officers asked if they could come inside and she told them " no", but the officers came inside anyway.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000105

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER 201203098

PREPARED BY (b)(6),(b)(7)(C)

2. REPORT NUMBER 014

10. NARRATIVE

(b)(6),(b)(7)(C) was shown photo line-ups of the (b)(6) members and (b)(6),(b)(7)(C) only identify DO (b)(6),(b)(7

Interview of DO (b)(6),(b)(7)(C)

On February 22, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(stated that he knocked on the front door and a female, identified as (b)(6),(b)(7)(C) (b)(6),(b)(7)(answered. DO (b)(6),(b)(stated that they identified themselves as ICE agents and they were looking for someone who used this address. DO (b)(6),(b)(7)(C) stated that he asked if he could come inside to speak with (b)(6),(b)(7)(C) husband and she replied "yes."

DO (b)(6),(b) stated that he advised both (b)(6),(b)(7)(C) that the (b)(6 was in possession of an order of deportation for detainee (b)(6), (b)(7)(C and he was taken into custody.
Interview of DO (b)(6),(b)(7)(C)

On February 24, 2012, SA (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b) knocked on the front door of the residence and the wife, later identified as (b)(6),(b)(7)(C), answered the door. DO (b)(6),(b)(7)(C) ted that DO (b)(6),(b) explained who they were, and that they were looking for someone who lived at the address. DO (b)(6),(b) (7)(C) stated that (b)(6),(b)(7)(C) said she lived there with her husband and three children. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked for permission to enter the residence and (b)(6),(b)(7)(C) said "yes." DO (b)(6),(b stated that once they entered the residence they encountered the target (b)(6), (b)(7)(and placed him under arrest.

Interview of DO (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b stated that the (b)(6 went to the address to arrest the fugitive (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) went to the front door and knocked while he went toward the rear of the residence. DO (b)(6),(stated that he was notified that DO (b)(6), (b)(7)(C and (b)(6),(b)(were inside the residence. DO (b)(6), (b)(7)(stated that DOs (b)(6),(b)(7)(C) informed detainee (b)(6), (b)(7)(that he was under arrest.

The FOW and Form I-213

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000106

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	014

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

The FOW was prepared by DO (b)(6),(b)(7)(C) and states that (b)(6),(b)(7)(C) gave consent to enter the residence and DO (b)(6),(b) witnessed.

The Form I-213 was prepared by DO (b)(6),(b)(7)(C) and states that (b)(6),(b)(7)(C) gave permission to enter and search the residence.

8. (b)(6),(b)(7)(C), Fort Payne, AL.

Interview of (b)(6),(b)(7)(C)

On December 29, 2011, SA (b)(6),(b)(7)(C) interviewed detainee (b)(6),(b)(7)(C) at LDC. Present at the interview were attorneys (b)(6),(b)(7)(C) from (b)(6),(representing detainee (b)(6),(and representatives from CRCL, (b)(6),(b)(7)(C) The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) was allowed contact with the (b)(6),(attorneys the day before and the day of the interview. A release form was furnished by (b)(6),(to represent and advise detainee (b)(6),(b)(7)(C)

Detainee (b)(6),(stated that there were (b)(7) officers that went to his residence. Detainee (b)(6),(b)(7)(C) stated that one of his daughters opened the door and the officers rushed into the residence. Detainee (b)(6),(b) stated that one officer came into his bedroom and grabbed him and placed him under arrest. Detainee (b)(6),(b)(7)(C) stated that the officers were wearing vests with something on it, but he did not remember what it was. Detainee (b)(6),(stated he could not identify any of the officers.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present at the interview was an attorney (b)(6),(b)(7)(C), from (b)(6),(and via telephone (b)(6),(b)(7)(C) and (b)(6),(b)(7)(from CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was in contact with the (b)(6),(attorney before the interview. A release form was furnished by (b)(6),(to represent and advise (b)(6),(b)(7)(C)

(b)(6),(b)(stated that (b)(7)(E) officers came to the residence that day and they were wearing vests with letters on it, but (b)(6),(b)(7)(C) stated she does not know how to read or write. (b)((b)(6),(stated that she could not identify the officers.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000107

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

(b)(6),(b)(7)(C) stated that there was a knock at the front door, and her daughter (b)(6),((12 yrs. old) opened the door. (b)(6),(b)(7)(C) stated that she was attempting to stop the door from opening, but the officers rushed inside without her permission. (b)(6),(b)(7)(C) stated that the officers only spoke with (b)(6),(b)(7)(C) because she spoke English.

(b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) told her, one of the officers asked her where (b)(6),(b)(7)(C) was, and said "if you lie to me we will take your whole family and you - every single one of you." (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) pointed at the bedroom where her father (b)(6),(b)(7)(C) was located. The officers then went into the bedroom and searched the closet.

OPR requested through (b)(6),(b)(7)(C) to interview the daughter (b)(6),(b)(7)(C) but (b)(6),(b)(7)(C) declined OPR's request.

(b)(6),(b)(7)(C) - 2nd Interview

On February 14, 2012, SA (b)(6),(b)(7)(C) re-interviewed detainee (b)(6),(b)(7)(C) at the LDC. Present at the interview was an attorney, (b)(6),(b)(7)(C) from (b)(6),(b)(7)(C) who represents (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

Detainee (b)(6),(b)(7)(C) admitted that he and his wife, (b)(6),(b)(7)(C) provided false information during their original statements to OPR. Detainee (b)(6),(b)(7)(C) stated that they fabricated the story in fear of him being deported.

Detainee (b)(6),(b)(7)(C) stated that he recognized the ICE agents as they approached his residence, so he ran and hid in a little room where the hot water heater is located. The officer shined a flashlight on him, and told him to come out. He came out, and the officer put handcuffs on him. Detainee (b)(6),(b)(7)(C) stated that he was sorry that he and his wife did not tell the truth.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney, (b)(6),(b)(7)(C) from (b)(6),(b)(7)(C) and from CRCL (b)(6),(b)(7)(C) via telephone. An interpreter was provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was in contact with the (b)(6),(b)(7)(C) attorney before the interview. A release form was furnished by (b)(6),(b)(7)(C) to represent and advise (b)(6),(b)(7)(C).

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000108

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION	2. REPORT NUMBER
HB 4200-01 (37), Special Agent Handbook	014

10. NARRATIVE

(b)(6),(b)(7)(C) stated that he was standing in the kitchen of his residence when he heard a knock on the front door. (b)(6),(b)(7)(C) stated that when the officers saw him they asked for his identification, and then told him to sit on the couch. (b)(6),(b)(7)(C) stated that the officers asked him where his brother (b)(6),(b)(7)(was, and (b)(6),(b)(7)(stated he told the officers that he did not know.

(b)(6),(b)(7)(C) stated that he showed the officers his documentation, and the officers advised him that he and his brother (b)(6),(b)(7) were going to be arrested.

(b)(6),(b)(7)(was shown a photo line-up and he identified DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) Pascual could not describe what each (b)(6 member did at the residence.

Interview of DO (b)(6),(b)(7)(C)

On February 22, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C stated that when he knocked on the front door it got loud and noisy on the inside like people were running, and then the noise just suddenly stopped. DO (b)(6),(b)(stated that a female (possibly teenager) opened the door. DO (b)(6),(b stated that he spoke English to her, and he noticed that an adult female was standing behind the young female talking to her. DO (b)(6),(b) stated that he asked the young female if that was her mother and she said yes. DO (b)(6),(b stated that he asked the daughter if she could tell her mother who they were and that they were looking for someone. DO (b)(6),(b)(stated that he asked the daughter to ask her mother if they could come inside and look around. DO (b)(6),(b)(7)(C) stated that the mother and daughter were speaking to one another in their dialect, and at the same time the daughter said they could come in and the mother waved them in with her hands.

Upon entering the residence, DO (b)(6),(b)(stated that a Hispanic male identified as (b)(6),(b)(7)(C) was sitting in the kitchen eating as if no one was there and never acknowledged their presence.

DO (b)(6),(b) stated that there was a furnace close to (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) pulled the cover off of the furnace and (b)(6),(b)(7)(C) was hiding behind the furnace. DO (b)(6),(b stated that (b)(6),(b)(7)(was arrested, and (b)(6),(b)(7)(C was also arrested because he was in the U.S. illegally with no documents.

Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(and (b)(6),(b)(7)(interviewed DO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000109

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION CONTINUATION	2. REPORT NUMBER
HB 4200-01 (37), Special Agent Handbook	014

10. NARRATIVE

DO (b)(6),(b)(7)(C) stated that when DO (b)(6),(b) knocked on the front door, it sounded like major construction started inside the house, it was loud and there were banging noises coming from the kitchen/bedroom area. DO (b)(6),(b)(7 stated that DO (b)(6),(b) indicated that they had permission to search the residence.

DO (b)(6),(b)(7)(C) stated that a male, later identified as (b)(6),(b)(7)(C) was sitting at a table in the kitchen holding a baby and eating a few feet away from the furnace. DO (b)(6),(b)(stated that (b)(6),(b)(7)(C) continued sitting at the table eating and holding the child.

DO (b)(6),(b)(7 stated that he located (b)(6),(b)(7)(C) hiding inside an interior wall behind the furnace. DO (b)(6),(b)(7 stated that he pulled the furnace cover off and saw (b)(6),(b)(7)(C) hiding behind/inside the furnace. (b)(6),(b)(7 was instructed to come out from behind the furnace, and he had to be assisted out through a fake door inside the bedroom closet.

DO (b)(6),(b)(stated that upon requesting identification from (b)(6),(b)(7)(C) it was determined that (b)(6),(b)(7)(C) was illegally present in the United States and was taken into custody along with (b)(6 (b)(6), (b)(7)(C

Interview of SDDO (b)(6),(b)(7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C)

SDDO (b)(6),(b) stated that DO (b)(6), (b)(7)(C knocked at the front door and made contact with the residents. SDDO (b)(6),(b) stated that he was standing off of the porch, but could hear consent given to enter the residence. SDDO (b)(6),(b)(7)(C) stated he did not see who gave consent, but he could hear a female voice. SDDO (b)(6),(b stated that after receiving consent they entered the residence. SDDO (b)(6),(b) stated that they were told that the target (b)(6), (b)(7)(was not in the residence, and that they could look around. SDDO (b)(6),(b stated that they heard and saw the target (b)(6), (b)(7)(hiding behind the A/C and furnace unit, and he eventually came out.

FOW and Form I-213

The FOW was prepared by DO (b)(6), (b)(7)(for detainee (b)(6),(and it states that (b)(6),(b)(7)(C) gave the (b)(6 consent to enter the residence.

Form I-213 for the target (b) (6),(b was prepared by DO (b)(6),(b)(and it states that (b)(6),(b)(7)(C gave the (b) (6),(consent to enter the residence.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000110

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b and it states that (b)(6),(b)(7)(C) (b)(6),(gave the (b)(6 consent to enter the residence.

9. (b)(6),(b)(7)(C) Fort Payne, AL.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) and present at the interview was an attorney (b)(6),(b)(7)(C) with (b)(6),(and from CRCL (b)(6),(b)(7)(C) via telephone. An interpreter was used via telephone, and was provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6), (b)(7)(C)

(b)(6),(b)(7)(C) was in contact with the (b)(6),(attorneys before the interview. A release form was furnished by (b)(6), to represent and advise (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C stated that he was confronted by the ICE officers outside his apartment. (b)(6),(b)(7)(stated that several officers stayed with him while other officers went to his (b)(6),(b)(7)(C) knocked loud on the door, and his two young daughters opened the door. (b)(6),(b)(7)(C) stated that the officer(s) then went inside the apartment while (b)(officers stayed with him at his car. (b)(6),(b)(7)(C) stated that there were (b)(7)(E) officers present wearing shirts with ICE written on the back, and they were wearing weapons.

(b)(6),(b)(7)(C stated that he asked the officers if he could go inside his residence to get his documents. (b)(6),(b)(7)(C) stated that when he walked inside his apartment the officers followed him inside without asking for permission.

(b)(6),(b)(7)(C) stated that he and others that live in the apartment were brought to the living room area, and an officer showed everyone a picture. The officer asked if anyone recognized or knew this person. (b)(6),(b)(7)(C) stated that the officer then began asking everyone when they arrived in the United States.

(b)(6),(b)(7)(C) was shown photo line-ups of the (b)(6 members, and (b)(6),(b)(7)(identified DOs (b)(6),(b)(7)(C) as being at the residence, but could not identify which officers stayed with him and which officers went inside his residence.

Interview of (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000111

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	201203098
PREPARED BY	(b)(6),(b)(7)(C)
2. REPORT NUMBER	014

10. NARRATIVE

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney (b)(6),(b)(7)(C) with (b)(6), and from CRCL (b)(6), (b)(6),(b)(7)(C) via telephone. CRCL provided the Interpreter for the interview via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was in contact with the (b)(6), attorney before the interview. A release form was furnished by (b)(6), to represent and advise (b)(6),(b)(7)(C

(b)(6),(b)(7)(stated that there were four (b)(6),(b)(7) officers that entered the residence wearing police type uniforms with weapons. (b)(6),(b)(7)(C) stated that he heard the officer(s) knock on the front door while he was in his bedroom with his wife and son. (b)(6),(b)(7)(C) stated that he overheard the officer(s) asking the children where their mother and father were. (b)(6),(b)(7)(stated that the officers then knocked on his bedroom door and (b)(6),(b)(7)(C) stated he told his wife to open the door. (b)(6),(b)(7)(stated that upon entering the bedroom, an officer took him, his wife and son into the living room. (b)(6),(b)(7)(C) stated that he did not give the officers permission to enter and search his bedroom. (b)(6),(b)(7)(C) stated that he was arrested along with (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was shown photo line-ups of the (b)(6 members, and (b)(6),(b)(7)(C) identified DO (b)(6),(b)(7)(C) and DO (b)(6), (b)(7)(C) as being at the residence. (b)(6),(b)(7)(C) could not remember which officer came into his bedroom.

Re-interview of (b)(6),(b)(7)(C)

On March 22, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) Present at the interviews was an attorney (b)(6),(b)(7)(C) with (b)(6), who represents (b)(6),(b)(7)(C) An interpreter was used via telephone for both interviews provided by CRCL.

(b)(6),(b)(7)(C) maintained their original statements given to OPR that neither had given permission for the (b)(6 members to enter their residence and search.

Interview of DO (b)(6),(b)(

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6), (b)(7)(C)

DO (b)(6),(b)(7)(C) stated that the (b)(6) went to the residence searching for an ICE fugitive when the (b)(6 encountered a male later identified as (b)(6),(b)(7)(C in the parking lot. (b)(6),(b)(7)(C) was approached by the (b)(6 and based upon the information that (b)(6),(b)(7)(C) provided, it was determined that he

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000112

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

was in the U.S. illegally.

DO (b)(6),(b)(7)(stated that (b)(6),(b)(7)(C advised the (b)(6)(that he had a passport inside his residence, and gave the (b)(permission to enter his residence with him to obtain his passport.

DO (b)(6),(b stated that upon entering the residence the team encountered (b)(6),(b)(7)(and determined that he was also in the U.S. illegally. DO (b)(6),(b stated that he does not recall who first encountered (b)(6),(b)(7)(in the apartment.

Interview of DO (b)(6),(b)(7)(C)

On February 22, 2012, SA (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(

DO (b)(6),(b stated that the (b)(6 went to the address searching for a fugitive (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) As the (b)(6 arrived at the apartment complex parking lot, they encountered an individual later identified as (b)(6),(b)(7)(. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(advised him that he did not live at this building, and that he was coming over to buy a four wheel motorcycle that was on the back porch of that apartment building.

DO (b)(6),(b) stated that he went to (b)(6),(b)(7)(C) knocked on the door, and a young female about five or six years old answered. DO (b)(6),(b) stated that he asked the child if her parents were home, and at that time, one of the officers who was back at the car with (b)(6),(b)(7)(C) (believed to be DO (b)(6),(b)(7)(shouted that (b)(6),(b)(7)(C admitted that he lived there, and was going inside to get his identification. DO (b)(6),(b) stated that they accompanied (b)(6),(b)(7)(inside apartment to retrieve his passport.

DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(admitted that he was in the U.S. illegally, and without proper documentation so he was taken into custody.

DO (b)(6),(b)(7)(C) stated that he first encountered (b)(6),(b)(7)(C n the common area of the apartment, and had no knowledge of how (b)(6),(b)(7)(arrived there. DO (b)(6),(b stated that he did not recall who checked the identification of (b)(6),(b)(7)(C) but it was determined during the routine checks tha (b)(6),(b (b)(6),(b)(was in the U.S. illegally.

Interview of DO (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000113

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	014

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

DO (b)(6),(b)(7 stated that when the (b)(6 arrived at the address (b)(6),(b)(7)(C was also getting out of his vehicle. DO (b)(6),(b)(7 stated that the (b)(6) contacted (b)(6),(b)(7)(C) and asked him questions concerning where he lived. DO (b)(6),(b)(stated that (b)(6),(b)(7)(said that he was there to work on a mini-bike that was positioned between two apartments.

DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) for identification. (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally. Based on his admission, DO (b)(6),(b)(7)(C) place (b)(6),(b)(7)(C) under arrest and handcuffed him.

DO (b)(6),(b)(7 stated (b)(6),(b)(7)(C) admitted that he lived in the apartment, and that his passport was in his apartment. DO (b)(6),(b)(stated that he asked (b)(6),(b)(7)(C) if they could all go in together to get his identification and (b)(6),(b)(7)(C) gave the (b)(6 consent to enter. DO (b)(6),(b)(7 stated that he notified DO (b)(6),(b that (b)(6),(b)(7)(C) gave consent to enter his apartment.

DO (b)(6),(b)(7 stated that he, (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) went in the residence together and obtained (b)(6),(b)(7)(C) identification, and the identification of all the adults inside the residence, with the exception of (b)(6),(b)(7)(C)

DO (b)(6),(b)(7)(C) was unable to provide any identification, and admitted that he was in the United States illegally. At that time, (b)(6),(b)(7)(was taken into custody along with (b)(6) (b)(6),(b)(7)(

Interview of SDDO (b)(6),(b)(7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C)

SDDO (b)(6),(b stated that the (b)(6 went to that location in an attempt to locate a fugitive (b)(6),((b)(6),(b)(7)(C). SDDO (b)(6),(b)(7)(C) stated that prior to knocking on the residence (b)(6),(b)(7)(C) drove up in the parking lot. One of the officers asked him where he lived, and (b)(6),(b)(7)(C) pointed toward the apartments. SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) gave the (b)(6 consent to go inside the apartment with him and retrieve his passport.

SDDO (b)(6),(b)(7)(C) stated that once inside, there were several other people in the apartment. SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) admitted that he was illegally in the U.S., and he was arrested along with (b)(6),(b)(7)(C).

SDDO (b)(6),(b stated that the (b)(6 was wearing vests and/or identification jackets with police/ ICE

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000114

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER: 201203098

PREPARED BY: (b)(6),(b)(7)(C)

2. REPORT NUMBER: 014

10. NARRATIVE

identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified themselves as law enforcement.

SDDO (b)(6),(b)(7)(C) stated that he witnessed (b)(6),(b)(7)(giving authorization to enter his apartment. SDDO (b)(6),(b)(7)(C) stated that all officers acted in a professional manner, and all policies and procedures were followed.

Form I-213

The Form I-213 was prepared by DO (b)(6),(b) for (b)(6),(b)(7)(C), and it does not state who received the authorization or who witnessed the authorization to enter the apartment. DO (b)(6),(b)(7)(stated that he did not document who specifically (b)(6),(b)(7)(C gave the consent to, and he does not recall.

The Form I-213, was also prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C and it states that permission to enter the residence was granted by (b)(6),(b)(7)(to enter the residence and to retrieve his (b)(6),(b)(7)(C) s) passport. There was no mention regarding (b)(6),(b)(7)(C) giving permission for the (b)(6),(b) to enter (b)(6),(b)(7)(C) bedroom and conduct a search.

PROSECUTORIAL ACTION: On April 17, 2012, the United States Attorney's Office, Northern District of Alabama, reviewed this case for prosecutorial merit. The prosecuting Assistant United States Attorney (AUSA) declined prosecution of the case on May 4, 2012.

NOTE:
Most of the individuals arrested along with witnesses listed in this report have been deported or have left the United States, and returned to their country of origin.

There were numerous witnesses not interviewed during the course of the investigation due to their failure to appear for a scheduled interview with OPR. OPR enlisted the assistance of the (b)(6), to contact individuals but they could not contact them.

Although some witnesses identified the Birmingham (b)(6 members as being at their residences in a photo line-up, not one witness could identify any (b)(6),(b member committing any type of offense.

One detainee admitted to OPR that he and his wife had previously lied during their original statements to OPR, because he was afraid of being deported.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000115

DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	014

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

As previously mentioned in this report, all detainees and witnesses were allowed contact with the (b)(6), attorneys the day before the interviews and (b)(6), attorneys were present during every interview. Release forms were furnished from (b)(6),(to represent and advise individuals in this matter.

This investigation is closed and does not require any agency action.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000116

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION	2. REPORT NUMBER
Exhibit List	014
HB 4200-01 (37), Special Agent Handbook	

None

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000117

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

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Case Details Entities Notes Attachments JIC/FDC/IG History

Attachments

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Previous 1-10 of 65 Next 10

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
Splc ltr dated, December 16, 2011	File		Miscellaneous	(b)(6),(b)(7)(C)	19-Dec-2011		
Initial Report (Allegation APPROVED) ROI # 001.pdf	File	Initial Report (Allegation APPROVED) ROI # 001	Miscellaneous		19-Dec-2011		
4th Amendment Training Checklist 11-3-2011	File	Training list for the 4th Amendment training.	Miscellaneous		05-Jan-2012		
Interim Report (Investigative Findings APPROVED) ROI # 002.pdf	File	Interim Report (Investigative Findings APPROVED) ROI # 002	Miscellaneous		11-Jan-2012		

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000119

EOPF of
EOPF of
EOPF of
EOPF of
EOPF of
(b)(6),(b)(7)(C)

Pers Sec File (Vol II)

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File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered a copy of the Official Personnel File of (b)(6),(b)(7)(	Miscellaneous	(b)(6),(b)(7)(C)	12-Jan-2012
File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered a copy of the Official Personnel File of (b)(6),(b)(7)(C) .	Miscellaneous		12-Jan-2012
File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered a copy of the Official Personnel File of (b)(6),(b)(7)(	Miscellaneous		12-Jan-2012
File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered a copy of the Official Personnel File of (b)(6),(b)(7)(C)	Miscellaneous		12-Jan-2012
File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered a copy of the Official Personnel File of (b)(6),(b)(7)(	Miscellaneous		12-Jan-2012
File	IRS (b)(6),(b)(7)(Hq OPR Intel, recovered a copy of the Personnel Security File (Vol II) of (b)(6),(b)(7)(C)	Miscellaneous		17-Jan-2012

Previous 1-10 of 65 Next 10

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

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Case Details | Entities | Notes | Attachments | JIC/FDC/IG | History

Attachments

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< Previous 10 11-20 of 65 Next 10 >

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
Pers Sec File (Vol I) of (b)(6),(b	File	IRS (b)(6),(b)(7)(C Hq OPR Intel, recovered a copy of the Personnel Security File (Vol I) of (b)(6),(b)(7)(C)	Miscellaneous	(b)(6),(b)(7)(C)	17-Jan-2012		
Pers Sec File of (b)(6),(b)	File	IRS (b)(6),(b)(7)(C Hq OPR Intel, recovered a copy of the Personnel Security File of (b)(6),(b)	Miscellaneous		18-Jan-2012		
Pers Sec File of (b)(6),(b)	File	IRS (b)(6),(b)(7)(Hq OPR Intel, recovered a copy of the Personnel Security File o (b)(6),(b)(7)(C)	Miscellaneous		19-Jan-2012		
Pers Sec File of (b)(6),(b	File	IRS (b)(6),(b)(7)(Hq OPR Intel, recovered a copy of the	Miscellaneous		19-Jan-		

(b)(7)(E)

		Personnel Security File of (b)(6),(b)(7)(C)			2012
Interim Report (Memo of Interview APPROVED) ROI # 003.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 003	Miscellaneous	(b)(6),(b)(7)(C)	20-Jan-2012
Identification photos	File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered the identification photos of (b)(6),(b)(7)(S.A. (b)(6),(b)(7)(C) (b)(6),(b)(along with photos of similar looking individuals.	Miscellaneous		23-Jan-2012
Prosecutorial Descrition Letter to SA (b)(6)	File	Prosecutorial Descrition Letter to SA (b)(6 from (b)(6)	Miscellaneous		24-Jan-2012
Training Sheets for 4th Amendment training	File	Training Sheets for 4th Amendment training for ERO (b)(	Miscellaneous		24-Jan-2012
4th Amendment Training for ERO (b)(	File	List of training for ERO (b)(on 4th Amendment Training.	Miscellaneous		24-Jan-2012
Schedule interviews for Fort Payne, AL	File	Schedule for Fort Payne, AL interviews on January 26 - 27, 2012.	Miscellaneous		24-Jan-2012

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
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< Previous 10 21-30 of 65 Next 10 >

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
Agent Affidavit for	File	Interview of (b)(6),(b)(7)(C)	Miscellaneous	(b)(6),(b)(7)(C)	30-Jan-2012		
Agent Affidavit for	File	Interview of (b)(6),(b)(7)(C)	Miscellaneous		30-Jan-2012		
Agent Affidavit for	File	Interview of (b)(6),(b)(7)(C)	Miscellaneous		30-Jan-2012		
Agent Affidavit for	File	Interview of (b)(6),(b)(7)(C)	Miscellaneous		30-Jan-2012		
Agent Affidavit for	File	Interview of (b)(6),(b)(7)(C	Miscellaneous		30-Jan-2012		

(b)(7)(E)

Agent Affidavit for (b)(6),(b)(7)(C)	File	Interview of (b)(6),(b)(7)(C)	Miscellaneous	(b)(6),(b)(7)(C)	30-Jan-2012	
Agent Affidavit (b)(6),(b)(7)(C)	File	Interview of (b)(6),(b)(7)(C)	Miscellaneous		30-Jan-2012	
Interim Report (Memo of Interview APPROVED) ROI # 004.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 004	Miscellaneous		30-Jan-2012	
Agent Affidavit for (b)(6),(b)(7)	File	(b)(6),(b)(7) nterview	Miscellaneous		31-Jan-2012	
Agent Affidavit for (b)(6),(b)(7)(C)	File	(b)(6),(b)(7)(nterview	Miscellaneous		31-Jan-2012	

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
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Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Attachments

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≤ Previous 10 31-40 of 65 Next 10 ≥

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
Agent Affidavit for (b)(6),(b)	File	(b)(6),(b)(7)(C) interview	Miscellaneous	(b)(6),(b)(7)(C)	31-Jan-2012		
Agent Affidavit for (b)(6),(b)(7)(C)	File	(b)(6),(b)(7)(C) interview	Miscellaneous		31-Jan-2012		
Agent Affidavit for (b)(6),(b)(7)(C)	File	(b)(6),(b)(7)(C) interview	Miscellaneous		31-Jan-2012		
Agent Affidavit for (b)(6),(b)(7)(C)	File	(b)(6),(b)(7)(C) interview	Miscellaneous		31-Jan-2012		
Agent Affidavit for (b)(6),(b)(7)(C)	File	(b)(6),(b)(7)(C) interview	Miscellaneous		31-Jan-2012		

Agent Affidavit for (b)(6),(b)(7)(C)	File	(b)(6),(b)(7)(C) interview	Miscellaneous	(b)(6),(b)(7)(C)	31-Jan-2012
Release Forms from (b)(	File	(b)(Release forms for their clients	Miscellaneous		01-Feb-2012
Interim Report (Memo of Interview APPROVED) ROI # 005.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 005	Miscellaneous		09-Feb-2012
Agent Affidavi (b)(6),(b)(7)(C) Interview	File	Agent Affidavit (b)(6),(b)(7)(C) 2nd Interview	Miscellaneous		15-Feb-2012
Interim Report (Memo of Interview APPROVED) ROI # 006.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 006	Miscellaneous		22-Feb-2012

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
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Case Details | Entities | Notes | Attachments | JIC/FDC/IG | History

Attachments

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Previous 10 41-50 of 65 Next 10

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
(b)(6),(b)(7)(C) SDDO Affidavit	File	Affidavit from SDDO (b)(6),	Miscellaneous	(b)(6),(b)(7)(C)	27-Feb-2012		
(b)(6),(b)(7)(Affidavit	File	Affidavit o (b)(6),(b)(7)(	Miscellaneous		27-Feb-2012		
(b)(6),(b)(7)(C) Affidavit	File	Affidavit from DO (b)(6),(b)(7)(C)	Miscellaneous		27-Feb-2012		
(b)(6),(b)(7)(C Affidavit	File	Affidavit from DO	Miscellaneous		27-Feb-2012		
(b)(6),(b)(7)(Affidavit	File	Affidavit of DO (b)(6),(b)(	Miscellaneous		27-Feb-2012		

(b)(7)(E)

(b)(6),(b)(7) Affidavit	File	Affidavit from SIEA (b)(6)	Miscellaneous	(b)(6),(b)(7)(C)	27-Feb-2012	
Interim Report (Memo of Interview APPROVED) ROI # 007.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 007	Miscellaneous		27-Feb-2012	
4th Amendment Trining Power Point	File	Received powerpoint from (b)(6),(b)(7)(C) Deputy Chief, Counsel, DHS/ICE	Miscellaneous		29-Feb-2012	
Agent Affidavit fo (b)(6),(b)(7)(C) 2nd Interview	File	Second interview o (b)(6),(b)(7)(C) March 5, 2012.	Miscellaneous		08-Mar-2012	
Agent Affidavit for (b)(6),(b)(7)(C) (b)(6),(b)(7	File	Agent affidavit fo (b)(6),(b)(7)(C) (b)(6),(b)(March 5, 2012.	Miscellaneous		08-Mar-2012	

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

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Attachments

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Previous 10 51-60 of 65 Next 5

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
Interim Report (Memo of Interview APPROVED) ROI # 008.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 008	Miscellaneous	(b)(6),(b)(7)(C)	08-Mar-2012		
Interim Report (Memo of Interview APPROVED) ROI # 009.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 009	Miscellaneous		09-Mar-2012		
Interim Report (Memo of Interview APPROVED) ROI # 010.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 010	Miscellaneous		12-Mar-2012		
Agent Affidavit affidavit for 2nd Interview (b)(6),(b)(7)(C)	File	Second interview of (b)(6),(b)(7)(C) on March 22, 2012	Miscellaneous		26-Mar-2012		

(b)(7)(E)

Agent Affidavit for 2nd interview (b)(6) (b)(6),(b)(7)(C)	File	Second interview of (b)(6),(b)(7)(C) on March 22, 2012.	Miscellaneous	(b)(6),(b)(7)(C)	26-Mar-2012
Interim Report (Memo of Interview APPROVED) ROI # 011.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 011	Miscellaneous		26-Mar-2012
Interim Report (Memo of Interview APPROVED) ROI # 012.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 012	Miscellaneous		28-Mar-2012
Interim Report (Investigative Findings APPROVED) ROI # 013.pdf	File	Interim Report (Investigative Findings APPROVED) ROI # 013	Miscellaneous		11-Apr-2012
I-213s for some of the the Collateral arrest	File	I-213s	Miscellaneous		19-Apr-2012
SDDO (b)(6), Affidavit 5-14-12	File	Affidavit from SDDO (b)(6), regarding (b)(6),(b)	Miscellaneous		16-May-2012

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Previous 10 51-60 of 65 Next 5

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* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details | Entities | Notes | Attachments | JIC/FDC/IG | History

Attachments

Add Attachment

Previous 10 61-65 of 65 Next

Title	Type	Description	Category	Last Updated By	Last Updated	Update	Delete
Agent Affidavit SDDO (b)(6),(5-8-12	File	Agent affidavit from SDDO (b)(6),(regarding (b)(6),(b)(7)	Miscellaneous	(b)(6),(b)(7)(C)	16-May-2012		
Closing Report (Investigative Findings APPROVED) ROI # 014.pdf	File	Closing Report (Investigative Findings APPROVED) ROI # 014	Miscellaneous		24-May-2012		
Closing Report (Investigative Findings APPROVED) ROI # 015.pdf	File	Closing Report (Investigative Findings APPROVED) ROI # 015	Miscellaneous		24-May-2012		
Exhibits for Birmingham CRCL	File	Exhibits for Birmingham CRCL Case	Miscellaneous		30-May-2012		

Closing Report (Investigative Findings APPROVED) ROI # 016.pdf	File	Closing Report (Investigative Findings APPROVED) ROI # 016	Miscellaneous	(b)(6),(b)(7)(C)	30-May-2012		

Related Cases

Cancel Actions Create ROI Go Save Apply

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000131

ORACLE ICE OPR Analyst

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Agent Dashboard >

Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions Create ROI Go Save Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

* Group	[redacted]	* Method of Receipt	OFFENSE/INCIDENT REPORT
* Case Officer	(b)(6),(b)(7)(C)	* Case Supervisor	(b)(6),(b)(7)(C)
* Case Agent		* Case Agent Supervisor	(b)(6),(b)(7)(C)
* Subject Office	[redacted]	* Subject Type	[redacted]
Source Office	[redacted]	Source Type	[redacted]
Source Agency	[redacted]	Case Resolution Code	A - Not Referred to Management

Access Control

Relevant Dates

Last Modified	**08-Jun-2012 15:49:45**	Created	**19-Dec-2011 12:26:40**	Prosecution: Date Submitted	
* Reported	19-Dec-2011 12:22:58	Last Investigative Activity		Prosecution: Declined Date	
* Incident Date	[redacted]	Closed Date	08-Jun-2012 15:49:45	Prosecution Accepted Date	
State/Local/Non-OPR Arrest		System Closed	**08-Jun-2012 15:49:45**		

(b)(7)(E)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000133

Administrative Date

Administrative Date
(example: 21-Nov-2014)

JICMS

* JICMS Organization ICE

* Owner Group ICE OPR Operations Support Unit

Detention Facility

Detention Facility

Inspection Case Type

ICE Detention Facility Involved? NO

287 G Case? NO

Significant Event Notification (SEN) Case?

DHS Use of Force

FBI Notified

Enter value only if Subject Type is ICE or CBP employee

Related Cases

Cancel Actions Create ROI Go Save Apply

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(b)(7)(E)

CONTACT ICE OPR Analyst

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions Create ROI Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Associated Entities

☐ Include Inactive Go

Add Subject Go

Entity Type	Subject Type	Name	Agency Code	Duty Station	Title	Grade	Series	Payroll Status	Primary Flag	CSR Form...	End Date
EMPLOYEE	Subject	EMPLOYEE, UNKNOWN								CSR Form...	
PERSON	Source	(b)(6),(b)(7)(C)								CSR Form...	

Related Cases

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000135

Cancel Actions Create ROI Go Save Apply

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ICE OPR Analyst

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Agent Dashboard >

Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details | **Entities** | **Notes** | **Attachments** | **JIC/FDC/IG** | **History**

Friday - June 8, 2012

03:49 PM (b)(6),(b)(7)(C)

Changed Case Status:Investigation CompleteToClosed
The Case is:Investigation CompleteToClosed

Wednesday - May 30, 2012

04:08 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:For ROI ApprovalToInvestigation Complete

04:04 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:ROI RejectedToFor ROI Approval

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000136

04:00 PM (b)(6),(b)(7)(C)

Changed The Case is:For ROI ApprovalToROI Rejected

Case Officer (b)(6),(b)(7)(C)

03:00 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:ROI RejectedToFor ROI Approval

02:47 PM (b)(6),(b)(7)(C)

Note On May 23, 2012, Closing ROI for case was uploaded in JICMS. The case is still an UNKNOWN so a closing ROI with a narrative was provided and uploaded as instructed by OPR Guildlines.

After loading the Closing ROI, it was requested by HQ (... Public

12:55 PM (b)(6),(b)(7)(C)

Changed The Case is:For ROI ApprovalToROI Rejected

Case Officer (b)(6),(b)(7)(C)

11:06 AM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:Investigation CompleteToFor ROI Approval

Thursday - May 24, 2012

02:00 PM (b)(6),(b)(7)(C)

Changed The Case is:For ROI ApprovalToInvestigation Complete

Case Officer (b)(6),(b)(7)(C)

01:33 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:ROI RejectedToFor ROI Approval

12:52 PM (b)(6),(b)(7)(C)

Changed The Case is:For ROI ApprovalToROI Rejected

Case Officer (b)(6),(b)(7)(C)

12:33 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:OpenToFor ROI Approval

12:15 PM (b)(6),(b)(7)(C)

Note The first closing report submitted did not have a finding in # 4 the final resolution section of the report. The second closing report will be submitted to reflect the results in # 4 the final resolution section. Public

12:00 PM (b)(6),(b)(7)(C)

Changed Case Status:Investigation CompleteToOpen
The Case is: Investigation CompleteToOpen

11:05 AM (b)(6),(b)(7)(C)

Changed The Case is:For ROI ApprovalToInvestigation Complete

Case Office (b)(6),(b)(7)(C)

Wednesday - May 23, 2012

04:28 PM (b)(6),(b)(7)(C)

Changed Case Office (b)(6),(b)(7)(C)

The Case is:ROI RejectedToFor ROI Approval

04:02 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:For ROI ApprovalToROI Rejected

12:46 PM (b)(6),(b)(7)(C)

Changed Case Officer (b)(6),(b)(7)(C)

The Case is:ROI ApprovedToFor ROI Approval

Wednesday - May 16, 2012

10:08 AM To 10:11 AM (b)(6),(b)(7)(C)

Note Email from Mike Nelson, May 14, 2012.

(b)(6),(b)(7)(C)

You are correct. After going through all of the 213's and FOW's, this was a lead we developed immediately prior to the operation and was not on the target list. I have attached a copy of the... Public

Email to (b)(6),(b)(7) May 12, 2012.
(b)(6)

The address is (b)(6),(b)(7)(C) NE, Fort Payne, AL. (b)(6),(b)(7)(C) was arrested there during the operation in December. DOs (b)(6),(b)(7)(C) state that you were at the address on... Public

Email from (b)(6),(b)(7)(C regarding a release form for (b)(6),(b)(7)(C)

(b)(6),(b

Please find attached to this email the release for (b)(6),(b)(7)(C) Is there any update from the US Attorney's Office in Birmingham or any other new... Public

09:58 AM - (b)(6),(b)(7)(C)

Note Friday May 4, 2012, a voice mail from AUSA (b)(6),(b)(who advised me that the USAO in Birmingham has declined to prosecute the case that I presented. I will handle the allegations administratively. Public

Thursday - May 3, 2012

11:13 AM - (b)(6),(b)(7)(C)

Note As of May 2, 2012, the USAO Birmingham is still reviewing the case for possible prosecution. AUSA (b)(6),(b)(7) advised he will contact me within the next few days. Public

11:06 AM - (b)(6),(b)(7)(C)

Note Email from (b)(6),(b)(7)(Status of the case as of March 24, 2012.

(b)(6),

I am awaiting word from the case agent concerning his discussions with the AUSA assigned to this case. He is supposedly going to speak with the AUSA and her boss tod... Public

Friday - April 20, 2012

03:13 PM To 03:16 PM - (b)(6),(b)(7)(C)

Note April 20, 2012, from Christina to SA (b)(6)

(b)(6),(

(b)(6),(b)(7)(C) I am on deadline on another matter. We will get back to you on Monday.

(b)(6),(b)(7
Public

April 20, 2012, To (b)(6),(b)(7)(C)
Subject: Contacts

(b)(6),(b)

Is there any way we can contact the following individuals so that I can talk with them?

1. (b)(6),(b)(7)(C) Fort Payne, Alabama
2. (b). Public

Confirmed with AFOD (b)(6),(b)(7)(C)

35 targets – on the operations list
7 targets were arrested off the list
12 other arrest were "Collateral arrests"

Total 19 people arrested during the December 9-11, 2011 Operation by (b)(Birmingham Public

Thursday - April 19, 2012

02:21 PM To 02:24 PM (b)(6),(b)(7)(C)

Note (b)(

April 19, 2012, SA (b)(6) requested the target list for the operation showing the number of targets that were arrested during the operation. Also, copies of the I-213s for the collateral arrest were also requested. These documents re... Public

April 19, 2012, SA (b)(6 received the following eMail from (b)(6),(at (b)(6

Dear (b)(6),(b)

Please let us know when we might expect an update about your meeting with the U.S. Attorney in Birmingham.

I have been in contact with (b)(6),(b)(7)(C) Public

Wednesday - April 18, 2012

04:35 PM - (b)(6),(b)(7)(C)

Note On April 17, 2012, SA (b)(6 presented two other addresses to the AUSA in Birmingham.
1. (b)(6),(b)(7)(C) Scottsboro, AL - (b)(6),(b)(7)(C) AUSA declined.
2. (b)(6),(b Fort Payne, AL - (b)(6),(b)(7)(C) .. Public

03:42 PM To 03:46 PM - (b)(6),(b)(7)(C)

Note On April 17, 2012, SA (b)(6) met with AUSA (b)(6) and AUSA (b)(6),(b)(7 in Birmingham. The case regarding (b)(6),(b)(7)(C) and

(b)(7)(E)

(b)(6),(b)(7)(C) Fort Payne, AL was presented for consideration of criminal prose... Public

(b)(6), (b)(7) (C) was contacted regarding the availability of some of the witnesses. She responded in an email on Monday April 16, 2012.

Based on our conversation on Friday, we have now confirmed (b)(6),(b)(7)(C) though ... Public

Friday - April 13, 2012

11:26 AM (b)(6),(b)(7)(C)

Note On April 13, 2012, updated DHS/CRCL in HQ regarding the status of the case. S (b)(6), spoke wit (b)(6),(b)(7)(C and provided him with the updates. Public

Thursday - April 12, 2012

02:10 PM - (b)(6),(b)(7)(C)

Note On April 12, 2012, a meeting was set up with the AUSA in Birmingham to meet on April 17th at 9:00 am to discuss part of the CRCL case. Public

Wednesday - April 11, 2012

03:28 PM To 03:32 PM (b)(6),(b)(7)(C)

Note Meeting with AUSA was cancelled until further notice. Email sent t (b)(6),(b)(7)(C

(b)(6),(

Something has come up that will need my attention over the next few days. I will have to cancel for this week. I will call you and try to schedul... Public

On April 10, 2012, email - from (b)(6),(b)(7)(C) to ASAC (b)(6),(

(b)(6),
In conjunction with our conversation, please see an example of a timeline that will be needed for the OPR executive staff relative the (b)(6 nvestigation.
Specific points... Public

View All Entries

Related Cases

Cancel | Actions | Create ROI | Go | Save | Apply

ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000141

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000142

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ICE OPR Analyst

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions Create ROI Go Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Primary FD	0506 CRCL-Detainee/Alien (Other)
FD Resolution Code	A - Not Referred to Management
Class Code	Criminal
Secondary FD 1	
Resolution Code 1	
Secondary FD 2	
Resolution Code 2	
Secondary FD 3	
Resolution Code 3	
Secondary FD 4	
Resolution Code 4	
Secondary FD Code 5	

Resolution Code 5	
Organization	DRO Retired Do Not Use ICE- Office of Detention & Removal
Remarks	CRCL1203ICE0037
IG Status	DHS Allegation refered by OPR to DHS IG
IG Case Number	CRCL 12-03-ICE-0037
SEN Case Number	

Related Cases

Cancel Actions Create ROI Go Save Apply

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 1-10 Next 10

Details	Description	Date	User
Hide	On May 23, 2012, Closing ROI f	30-May-2012 14:47:13	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On May 23, 2012, Closing ROI for case was uploaded in JICMS. The case is still an UNKNOWN so a closing ROI with a narrative was provided and uploaded as instructed by OPR Guildlines.

After loading the Closing ROI, it was requested by HQ (contrary to current OPR guidlines) to add a resolution code on an UNKNOWN case (Block # 4 - Not Referred to Management).

After uploading Closing ROI, On May 24, 2012, HQ requested that the exhibits be added to the Closing ROI. I added the exhibit numbers to the existing ROI in word, scaned the exhibits into a portfolio to forward to CRCL and copy (b)(6),(b)(7)(A CD was created and mailed to both CRCL and SA (b)(6),(b)

On May 30, 2012, HQ requested that another closing report be uploaded into JICMS that reflects the Exhibit #'s to an UNKNOWN Closing ROI. This will be report # 16.

Hide The first closing report submi 24-May-2012 12:15:41 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text The first closing report submitted did not have a finding in # 4 the final resolution section of the report. The second closing report will be submitted to reflect the results in # 4 the final resolution section.

Hide Email from (b)(6),(b)(7)(C) May 14 16-May-2012 10:11:03 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Email from (b)(6),(b)(7) May 14, 2012.

(b)(6),(b)(7)(C)

You are correct. After going through all of the 213's and FOW's, this was a lead we developed immediately prior to the operation and was not on the target list. I have attached a copy of the FOW and comments from EARM. (b)(6),(b)(was encountered outside the residence and admitted to being previously deported. I will prepare an affidavit and get it to you ASAP.

(b)(6),(b)(7

ICE Fugitive Operations Program

Hide Email to (b)(6),(b)(7) May 12, 16-May-2012 10:10:02 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Email to (b)(6),(b)(7 May 12, 2012.

(b)(6),

The address is (b)(6),(b)(7)(C) NE, Fort Payne, AL. (b)(6),(b)(7)(C) was arrested there during the operation in December. DOs (b)(6),(b)(7)(C) state that you were at the address on December 11, 2011 with them.

Do you recall being there, and who was the target that the (b)(was looking for? I cannot find a FOW with that address.

So, if you can tell me what your role was and who the target was I would greatly appreciate it very much. You can explain it in the same format as the last one. Please get this back to me ASAP so I can finish my report.

Thanks,

(b)(6),(b)

Hide Email from (b)(6),(b)(SPLC (b)(6) 16-May-2012 10:08:28 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Email from (b)(6),(b) SPLC regarding a release form fo (b)(6),(b)(7)(C)

(b)(6),(b

Please find attached to this email the release for (b)(6),(b)(7)(C) Is there any update from the US Attorney's Office in Birmingham or any other news regarding the investigation?

Regards,

(b)(6),(b)(7)(C)

Hide Friday May 4, 2012, a voice ma 16-May-2012 09:58:28 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Friday May 4, 2012, a voice mail from AUSA (b)(6),(b)(7 who advised me that the USAO in Birmingham has declined to prosecute the case that I presented. I will handle the allegations administratively.

Hide As of May 2, 2012, the USAO Bi 03-May-2012 11:13:41 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text As of May 2, 2012, the USAO Birmingham is still reviewing the case for possible prosecution. AUSA (b)(6),(b)(7) advised he will contact me within the next few days.

Hide Email from (b)(6),(b)(7)(Status 03-May-2012 11:06:37 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Email from (b)(6),(b)(7)(Status of the case as of March 24, 2012.

(b)(6),(b)(7)(C)

I am awaiting word from the case agent concerning his discussions with the AUSA assigned to this case. He is supposedly going to speak with the AUSA and her boss today concerning how to move forward. If (b) wants something else to add advise him of the following:

On March 24, 2012, the OPR New Orleans case agent spoke with the Chief, Criminal Division, USAO Birmingham, AL and discussed the option ICE OPR had to move forward with the investigation if the USAO declined criminal prosecution. OPR New Orleans advised that if prosecution was

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000148

declined, the OPR investigation would turned to the administrative realm and if a violation was found to have occurred, the responsible employee (s) would be subject to potential discipline by the agency. It is anticipated that the case agent will speak again with the Chief and the assigned AUSA (who was not in yesterday) today (4-25-2012) to finalize the way forward.

(b)(6),(b)(7)(C)
Assistant Special Agent in Charge
ICE/OPR
Fairfax, Virginia

Hide April 20, 2012, from (b)(6),(b)(7)(C) 20-Apr-2012 15:16:11 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text April 20, 2012, from (b)(6),(b to SA (b)(6)

(b)(6), (b)(7)(C) and (b)(are not in the office today and I am on deadline on another matter. We will get back to you on Monday.

(b)(6),(b)

Hide April 20, 2012, To (b)(6),(b)(7)(C) 20-Apr-2012 15:15:39 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text April 20, 2012, To (b)(6),(b)(7)(C)
Subject: Contacts

(b)(6),(b)(7

Is there any way we can contact the following individuals so that I can talk with them?

1. (b)(6),(b)(7)(C) Fort Payne, Alabama
2. (b)(6),(b)(7)(C) Fort Payne, Alabama
3. (b)(6),(b)(7)(C) Fort Payne, Alabama

If you like you can give me a call when you have the time.

(b)(6),(b)(7)

Previous 1-10 Next 10

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000149

Related Cases

Cancel Actions Create ROI Go Save Apply

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(b)(7)(E)

ICE OPR Analyst

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions Create ROI Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 91-100 Next 10

Details	Description	Date	User
Hide	On January 10, 2012, received	13-Jan-2012 13:19:42	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On January 10, 2012, received message from (b)(6),(b)(7)(C)
Hi (b)(6),(
I spoke with (b)(6) yesterday. I told him that I would be able to give you an update on Thursday. I will be meeting with our team to see where things stand. We have been reaching out to folks on your list regarding availability. I will be in touch with you no later than Friday with a better sense of the schedule.
Thanks for checking in.

Best,
(b)(6),

Hide January 10, 2012, sent message 10-Jan-2012 13:36:01 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 10, 2012, sent message to (b)(6),(b)(7)(C) with (b)(checking in to see how things were going for the interviews. I advised (b)(6), that I spoke with (b)(6),(b)(7)(at CRCL and he advised me that he was going to contact her regarding interpreters. I asked (b)(6) if she thought that we can start interviewing sometime next week? If not, did she have an idea when you think we can get started?

(b)(6),(b)(7)(C) response - I spoke with (b)(6 yesterday. I told him that I would be able to give you an update on Thursday (1-12-12). I will be meeting with our team to see where things stand. We have been reaching out to folks on your list regarding availability. I will be in touch with you no later than Friday (1-13-12) with a better sense of the schedule.

Hide Intel request submitted for of 06-Jan-2012 11:05:25 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Intel request submitted for official photos and training records. (b)(6), (b)(7)(

Hide January 5, 2012, SA (b)(6),(b)(05-Jan-2012 14:40:09 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 5, 2012, SA (b)(6) eceived a copy of the 4th Amendment training list from AFOD (b)(6),(b)(7) n Birmingham.

Hide January 5, 2012, sent request 05-Jan-2012 14:22:00 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 5, 2012, sent request to (b)(6),(Case # 201203098. As discussed over the phone, I would like to obtain photos for the following employees:

(b)(6),(b)(7)(C) ERO, Deportation Officer, Homewood, AL
(b)(6),(b)(7)(C) ERO, Deportation Officer, Homewood, AL
(b)(6),(b)(7)(C) ERO, Deportation Officer, Homewood, AL
(b)(6),(b)(7)(C) , ERO, Supervisory Deportation Officer, Home
(b)(6),(b)(7)(C) ERO, Deportation Officer, Homewood, AL

(b)(6),(b)(7)(C)

Also, according to ERO policy, training regarding Fourth Amendment training should be given every 6 months. I would like to request the training records of these individuals to determine if the training was provided.

Hide On January 3, 2012, SA (b)(6),(b 04-Jan-2012 14:09:19 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On January 3, 2012, SA (b)(6) contacted (b)(6),(b)(7)(C) Supervisory Detention and Deportation Officer (SDDO) for Enforcement and Removal Operations (ERO) in Chattanooga, TN. SA (b)(6) inquired if the detainee holding cells in Chattnaooga were equiped with video surveillance cameras. SDDO replied they were not. No video equipment are installed and no recordings are available.

Hide January 4, 2012, S (b)(6),(b)(7)(C) 04-Jan-2012 14:03:14 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 4, 2012, SA (b)(6) received the following email message from (b)(6),(b)(7)(C)
Dear (b)(6),(b),
Thank you for your email. I will be in touch with you as soon as our team has had a chance to meet and once we have been able to communicate with those who you would like to interview.
Best,
(b)(6),(

Hide January 04, 2012, SA (b)(6),(b)(04-Jan-2012 14:02:18 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 04, 2012, SA (b)(6 sent an email message to (b)(6),(b)(7)(C) regarding interviews. A list was attached of the individuals that SA (b)(6) would like to interview. Also, (b)(stated they may be able to get office space at a church in Fort Payne where we can conduct interviews. Also, (b)(was asked if their were other witnesses that need to be interviewed to please provide those names. SA (b)(6) advised (b)(6 that he was available when they were ready to conduct the interviews. SA (b)(6) advised (b)(that he would contact Civil Rights and Civil Liberties (b)(6),(b)(7)(C to know what are plans are in case they would like to attend. Also, we will need to arrange for the interpreters again.

Hide On January 2, 2012, SA (b)(6),(b)(02-Jan-2012 18:13:14 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On January 2, 2012, SA (b)(6 worked on the witness list and preparing ROI's for interviews from December 29th.

Hide On December 30, 2011, SA (b)(6) 02-Jan-2012 18:09:11 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On December 30, 2011, SA (b)(6) reviewed the interviews and wrote Agent affidavits for each. All seven detainees were allowed contact with the (b)(6),(b)(7)(C) attorneys the day before our interview. SA (b)(6) received release forms from the detainees requesting (b)(to represent and advise them in this matter.

Each detainee interviewed showed some form of emotions by crying or shaking as if very nervous. While preparing one interview with a detainee who was talking with me the (b)(attorney slid a napkin over toward him. Minutes later he was crying. (This is just an observation on my part). Also, we used an interpreter over the telephone which was arranged by Civil Rights and Civil Liberties at HQ.

- Each detainee interviewed stated they did not give permission for the officers to enter their residence.

- One detainees stated the officers rushed into their residence when their small daughter answered the door.
- Two detainees stated that they were injured while being arrested. One stated he had a left shoulder injury and still has problems with the injury today. The detainee stated he advised the officer at the scene, but the officer laughed in his face. The other detainee stated he was thrown to the ground and cut his left cheek and was bleeding. He stated he told the officers but they did nothing about it.
- Each detainee complained that they were humiliated in front of their family being arrested with handcuffs and taken away. Leaving their family members crying.
- Most all detainees stated they did not know who the officers were, but they did observe the ICE jackets that the officers were wearing. None knew what ICE stood for.

The attorneys from (b)(advise SA (b)(6 that they have several witnesses who want to provide statements regarding the way some of the officers treated the juveniles on some of these arrest. (b)(stated they have a witnessed that can testify that several officers grabbed a small child and threaten to take her to jail and shouted at her. SA (b)(6 advised (b)(to provide the witness and next Tuesday SA (b)(6), will obtain this information. ROI's will be completed soon.

Previous 10 91-100 Next 10

Related Cases

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CONTACT **ICE OPR Analyst**

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 101-110 Next 10

Details	Description	Date	User
Hide	On December 29, 2011, OPR/NO c	29-Dec-2011 21:34:32	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On December 29, 2011, OPR/NO completed seven of the eight interviews today at the LaSalle Detention Facility in Jena, La. One detainee stated he had not talked with his personal attorney who is representing him with his immigration case. Although (b)(6),(b)(7)(C) was assisting him he still wanted to wait.

Starting tomorrow I will prepare the agent affidavits and ROI's for the seven interviewed. There are numerous witnesses that need to be interviewed. The (b)(is assisting in preparing the witness list. (b)(6 also provided release forms signed by each detainee allowing (b)(to

represent them in a possible CRCL case.

At the interview today was (b)(6),(b)(7)(C) from (b)(and (b)(6),(b)(7)(C) Civil Rights and Civil Liberties (CRCL). The interviews went great with no problems. There will need to be a great deal of follow up with witnesses and possibly obtaining video surveillance tapes.

-|Hide On 12-23-2011, sent request to 27-Dec-2011 12:10:58 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On 12-23-2011, sent request to have detainees arranged for interviews. Request went to (b)(6),(b)(Case Manager at LaSalle Detention Facility in Jena, LA.
Response from (b)(6),(
All right, good sir, I am in the process of getting notifications and arrangements made

More than likely from this point on the local ICE personnel or the Warden will be working with you, however, I will assist wherever I can and am able

At some point, enjoy the holidays

(b

(b)(6),(b)(7)(
CASE MANAGER

(b)(6),(b)(7)(C)
LaSalle Detention Facility
(b)(6),(b)(7)(C)
Jena, La 71342

Tel: 318 992 (b)(Fax: 318 992 5470

-|Hide On 12-26-2011, spoke with (b)(6) 27-Dec-2011 12:08:44 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On 12-26-2011, spoke with (b)(6),(b)(7) AFOD in Birmingham, who stated that if the person arrested was not on the target list then a FOW would not have been filled out for them. Only people arrested on the target list had FOWs.

-|Hide On 12 26, 2011, worked on inte 27-Dec-2011 12:07:26 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On 12 26, 2011, worked on interview Q&A for Thursday at La Salle Detention Facility in Jena.

-|Hide On 12-23-11, received the Fiel 23-Dec-2011 15:14:16 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On 12-23-11, received the Field Office Work Sheets from AFOD (b)(6),(b)(7) on all aliens arrested in the operation. Will forward to CRCL for FYI.

Hide On 12-23-11, had a conference 23-Dec-2011 15:13:15 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On 12-23-11, had a conference call at 12:05 pm with Investigator (b)(6),(b)(7)(and Policy Adviso (b)(6),(b)(7)(with CRCL who advised that they will be arriving on Wednesday, December 28th and lodging in Alexandria, La. We will start the interviews of the detained aliens on Thursday morning at the LaSalle Detention Center in Jena, La. Hopefully, we can finish that day, but if not we will finish up on Friday morning.

CRCL has asked me to take the lead on the interview process. I will call the LaSalle Detention Center and set up the interviews of the eight (8) aliens. It started out with ten (10), but two detainees just recently got released. (b)(6) is arranging the interpreters and coordinating with the attorneys' involved for the interviews. CRCL will observe the interviews.

I spoke with (b)(6),(b)(7) AFOD in Birmingham and he will provide me with the Field Office Work Sheets for each alien arrested.

Hide On 12-22-11, received phone ca 23-Dec-2011 15:11:57 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On 12-22-11, received phone call from (b)(6),(b)(7)(C) We discussed logistics and where we would like to start the investigation. (b)(6) stated he will arrange for the attorneys and interpreters.

Hide On December 21, 2011, sent ema 23-Dec-2011 15:10:22 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On December 21, 2011, sent email to CRCL (b)(6),(b)(7)(C) to arrange a conference and coordinate the investigation.

Hide On December 21, 2011, reviewed 23-Dec-2011 15:08:50 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On December 21, 2011, reviewed all work material provided by ERO.

Hide On December 20, 2011, SA (b)(6), 20-Dec-2011 18:37:22 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On December 20, 2011, SA (b)(6 received the case from RAC (b)(6) and reviewed documents attached.

Previous 10 101-110 Next 10

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000157

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 101-110 of 110 Next

Details	Description	Date	User
Hide	On December 29, 2011, OPR/NO c	29-Dec-2011 21:34:32	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On December 29, 2011, OPR/NO completed seven of the eight interviews today at the LaSalle Detention Facility in Jena, La. One detainee stated he had not talked with his personal attorney who is representing him with his immigration case. Although (b)(6),(b)(7)(C) was assisting him he still wanted to wait.

Starting tomorrow I will prepare the agent affidavits and ROI's for the seven interviewed. There are numerous witnesses that need to be interviewed. The (b)(is assisting in preparing the witness list. (b)(6 also provided release forms signed by each detainee allowing (b)(to

Type **Case Notes**
Visibility **Public**
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Hide On 12-23-11, had a conference 23-Dec-2011 15:13:15 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On 12-23-11, had a conference call at 12:05 pm with Investigator (b)(6),(b)(7)(and Policy Adviso (b)(6),(b)(7)(with CRCL who advised that they will be arriving on Wednesday, December 28th and lodging in Alexandria, La. We will start the interviews of the detained aliens on Thursday morning at the LaSalle Detention Center in Jena, La. Hopefully, we can finish that day, but if not we will finish up on Friday morning.

CRCL has asked me to take the lead on the interview process. I will call the LaSalle Detention Center and set up the interviews of the eight (8) aliens. It started out with ten (10), but two detainees just recently got released. (b)(6) is arranging the interpreters and coordinating with the attorneys' involved for the interviews. CRCL will observe the interviews.

I spoke with (b)(6),(b)(7 AFOD in Birmingham and he will provide me with the Field Office Work Sheets for each alien arrested.

Hide On 12-22-11, received phone ca 23-Dec-2011 15:11:57 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On 12-22-11, received phone call from (b)(6),(b)(7)(C) We discussed logistics and where we would like to start the investigation. (b)(6) stated he will arrange for the attorneys and interpreters.

Hide On December 21, 2011, sent ema 23-Dec-2011 15:10:22 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On December 21, 2011, sent email to CRCL (b)(6),(b)(7)(C) to arrange a conference and coordinate the investigation.

Hide On December 21, 2011, reviewed 23-Dec-2011 15:08:50 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On December 21, 2011, reviewed all work material provided by ERO.

Hide On December 20, 2011, SA (b)(6), 20-Dec-2011 18:37:22 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On December 20, 2011, SA (b)(6 received the case from RA (b)(6) and reviewed documents attached.

≤ Previous 10 101-110 of 110 Next >

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000160

(b)(7)(E)

ICE OPR Analyst

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions Create ROI Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 11-20 Next 10

Details Description	Date	User
Hide Confirmed with AFOD (b)(6),(b)(7)(	20-Apr-2012 15:13:50	(b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text Confirmed with AFOD (b)(6),(b)(7)(

35 targets – on the operations list
7 targets were arrested off the list
12 other arrest were "Collateral arrests"

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000162

Total 19 people arrested during the December 9-11, 2011 Operation by (b)(Birmingham

Hide Don, April 19, 2012, SA (b)(6), (b)(7)(19-Apr-2012 14:24:31 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text (b)(6

April 19, 2012, SA (b)(6 requested the target list for the operation showing the number of targets that were arrested during the operation. Also, copies of the I-213s for the collateral arrest were also requested. These documents received will be uploaded in JICMS.

Per your request,

I have attached a copy of the requested 213's and the target list with the targets that were arrested highlighted as targets 15,16,17,30,33,34,and 35.

(b)(6),(b)(7)(C)
Assistant Field Office Director
Alabama Operations
(b)(6),(b)(7)(C)
Homewood, AL 35209
Cell (202) 329-(b)(6
Fax (256) 546-5001

Hide April 19, 2012, SA (b)(6),(b)(7) 19-Apr-2012 14:21:16 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text April 19, 2012, SA (b) (6) (received the following eMail from (b)(6),(b at (b)(6)

Dear (b)(6),(b)

Please let us know when we might expect an update about your meeting with the U.S. Attorney in Birmingham.

I have been in contact with (b)(6),(b)(7)(immigration attorney, (b)(6),(b)(7 You indicated during our last conversation that you are interested in including (b)(6 on the list of potential witnesses. You may contact (b)(6),(b)(7 directly to set up next steps for (b)(6 While you should already have her contact information, here it is again: (b)(6),(b)(7)(C) Odom Immigration Law Group, 404-446 (b) (6) (

We have also now been in contact with (b)(6),(b)(7)(C) As I indicated to you during our conversation, he remains interested in participating in the process although he is now out of the country. We can accommodate any telephonic or video conferencing that might be required to accomplish this, with notice.

Best,
(b)(6),(b)(7
On April 17, 2012, SA (b)(6), (b)(7)(C 18-Apr-2012 16:35:21 (b)(6),(b)(7)(C)

(b)(7)(E)

-|Hide

Type **Case Notes**

Visibility **Public**

Text On April 17, 2012, SA (b)(6) presented two other addresses to the AUSA in Birmingham.
1. (b)(6),(b)(7)(C) Scottsboro, AL - (b)(6),(b)(7)(C) AUSA declined.
2. (b)(6),(b)(7)(C) Fort Payne, AL - (b)(6),(b)(7)(C) AUSA declined.

These two cases were declined.

-|Hide On April 17, 2012, SA (b)(6),(b)(18-Apr-2012 15:46:34 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On April 17, 2012, SA (b)(6) met with AUSA (b)(6),(b)(7)(C) in Birmingham. The case regarding (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, AL was presented for consideration of criminal prosecution. Both AUSA's stated the case had merit and they will review it closely along with contacting the DOJ CRCL on best way to proceed. AUSA (b)(6) is to get back to me as soon as possible.

-|Hide (b)(6),(b was contacted regard 18-Apr-2012 15:42:36 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Tex (b)(6),(b) was contacted regarding the availability of some of the witnesses. She responded in an email on Monday April 16, 2012.

(b)(6),(b)(7)(

Based on our conversation on Friday, we have now confirmed (b)(6),(b)(7)(C) though both are concerned about the time and distance required in participating. Please advise if there will be any reimbursement available to those who participate for their time and travel.

We have also confirmed (b)(6),(b)(7)(C)

We are in the process of reaching out to (b)(6),(b)(7)(C)

Please let me know if you have any questions.

(b)(6),(b)(7)(C)
Staff Attorney
(b)(6),(b)(7)(C)

-|Hide On April 13, 2012, updated DHS 13-Apr-2012 11:26:39 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On April 13, 2012, updated DHS/CRCL in HQ regarding the status of the case. SA (b)(6 spoke with (b)(6),(b)(7)(and provided him with the updates.

Hide On April 12, 2012, a meeting w 12-Apr-2012 14:10:18 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On April 12, 2012, a meeting was set up with the AUSA in Birmingham to meet on April 17th at 9:00 am to discuss part of the CRCL case.

Hide Meeting with AUSA was cancelle 11-Apr-2012 15:32:24 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Meeting with AUSA was cancelled until further notice. Email sent to (b)(6),(b)(7)(C)

(b)(6),(b)(

Something has come up that will need my attention over the next few days. I will have to cancel for this week. I will call you and try to schedule a new meeting in the next day or so.
Sorry, for the inconvenience.

Response from (b)(6),(No problem. Thanks

Hide On April 10, 2012, email - fro 11-Apr-2012 15:30:45 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On April 10, 2012, email - from (b)(6),(b)(7)(C) to ASAC (b)(6),(b)(7)(C)

(b)(6),(

In conjunction with our conversation, please see an example of a timeline that will be needed for the OPR executive staff relative the (b)(6 investigation.
Specific points that will need to be addressed in the timeline:
- A breakdown of the addresses where violations allegedly occurred, to include what employees were present; what was learned relative the events at the location, via witness/employee statements
- a detail of CRCL's participation at each step (if any) of the investigation; when did they "downgrade" their participation and how what level they participated after that
- Detail Right's and Warnings given to the employees
- One employee was given a 1001 warning; why?

Please ask (b)(6),(b)(to be succinct as possible, and to be careful of mass cutting and pasting of ROIs (we have received that in the past). For future meetings, trying to project their dates of, if possible.

Previous 10 11-20 Next 10

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000165

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(b)(7)(E)

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 21-30 Next 10

Details	Description	Date	User
Hide	CRCL Case # 201203098 This ca	11-Apr-2012 15:28:39	(b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text CRCL Case # 201203098

This case has nine separate locations that OPR extracted from the overall allegation to reviewed for possible violations. Out of the nine locations there are 11 "alleged victims" who came forth and provided information. During the course of this investigation, three of the "alleged victims", from two different locations, have changed their stories, and to me their credibility is in question.

OPR/NO has determined that, out of the nine locations identified, there are three (possibly four) locations worthy of presenting to the U.S. Attorney's Office (USAO) in Birmingham, AL. This investigation has determined that at these three (four) locations there could possibly be Fourth Amendment violations (18 USC 242, Deprivation of Rights Under Color of Law) involved. The "alleged victims" and witnesses at these locations appear to be legitimate, honest and truthful. One witness is a U.S. Citizen for whom I have interviewed on two separate occasions. All the witnesses are willing to testify, and tell their story in a court of law.

OPR/NO has contacted the USAO in Birmingham to explained the allegation and present the findings regarding these three (four) locations. (b)(6),(b)(7)(C) Assistant United States Attorney, Deputy Chief, Criminal Division has been assigned to assist in this matter. AUSA (b)(6) advised OPR/NO that he is in contact with DOJ Civil Rights Division in D.C. discussing this case. Additional interviews will be at the discretion of the AUSA.

One particular case that is being reviewed by the AUSA: On December 11, 2012, the (b)(6),(b)(7)(C) Fort Payne, AL to apprehend a fugitive alien on their target list named (b)(6),(b)(7)(C) . Upon arrival, DOs (b)(6),(b)(7)(C) confront a Hispanic male (b)(6),(b)(7)(C) in the parking lot of his apartment. (b)(6),(was arrested for being in the U.S. illegally. Also arrested out of the apartment was an Hispanic male named (b)(6),(b)(7)(C) who was also in the U.S. illegally. The target (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) was not located.

(b)(6),(b)(7)(C) stated that he did not give permission for the officers to go inside and search his apartment. At the time of his arrest, his wife, (b)(6),(b), was pregnant and she was due to deliver any day. While he was in custody, his wife had the baby without him. (b)(6),(b)(7)(C) (b)(6) stated he that the officers never asked him for permission to enter or search his bedroom or the apartment.

Please keep in mind that the nine locations identified are considered separate allegations. The events that took place at these locations occurred on separate days, and by different members of the (b)(6),(b)(7)(C) in Homewood, AL. Not every member of the team went to each location. OPR/NO had to first identify which (b)(member was at each location. It was determined, early in the investigation, that the reports provided by the (b)(members were some what unreliable or incomplete.

OPR/NO now has an accurate account of what took place at these nine locations, and have determined that three (four) location are worthy of presenting the findings to an AUSA for consideration of prosecution.

-]Hide On April 3, 2012, SA (b)(6),(b)(03-Apr-2012 13:24:51 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On April 3, 2012, SA (b)(6 received the following email message from AUSA (b)(6),(
Donnie,
I'm discussing it with DOJ Civil Rights Division in DC. Get back to you shortly.
(b)(6),(b)

-]Hide On March 30, 2012, SA (b)(6),(b) 03-Apr-2012 13:24:07 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On March 30, 2012, SA (b)(6 contacted Birmingham AUSA (b)(6),(b)(7)(C) . The case was discussed with AUSA (b)(6 and he is to contact DOJ CRCL to discuss the case with them. Afterwards, we will have a meeting to present the facts of the case for consideration for prosecution.

-]Hide On March 26, 2012, SA (b)(6) re 26-Mar-2012 14:30:37 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On March 26, 2012, SA (b)(6) re-interviewed (b)(6),(b)(7)(C) - who is the wife to (b)(6),(b)(7)(SA (b)(6 will memoralize the conversation in an agent affidavit.

Hide On March 22, 2012, OPR re-inte 26-Mar-2012 14:29:39 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text On March 22, 2012, OPR re-interviewed (b)(6),(b)(7)(C) in Ft. Payne, AL. The interviews were memoralized in an agent affidavit by SA (b)(6),

Hide March 16, 2012, email to (b)(6) 19-Mar-2012 15:17:26 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text March 16, 2012, email to (b)(6),(b) (b)(

I don't have a reason to hold them, I interviewed them twice. I sent a message to (b)(6),(b)(7)(C) and informed them of this, as well. So, don't hold them up for OPR.

Thanks for your assistance,

(b)(6),(b)(7)(C)
Special Agent

Hide March 16, 2012, email from (b) 19-Mar-2012 15:16:16 (b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text March 16, 2012, email from (b)(6),(b) FOD New Orleans.
Good afternoon. I hope all is well. I just wanted to check and see if you guys still need the three remaining detainees from the north Alabama RTS. Their names and a-numbers are on the attached spreadsheet. Sorry I couldn't extraxct the data for you but I'm on a plane flying home and this new BB isn't cooperating.

Have a great weekend!

Thanks,
(b)(

Hide On March 22, 2012, interviews 19-Mar-2012 15:09:54 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On March 22, 2012, interviews are scheduled for Fort Payne, AL for three individuals involved in the CRCL case. Travel day Wednesday, conduct interviews on Thursday and travel back on Friday.

Hide March 13, 2012 - email to RAC 13-Mar-2012 19:42:47 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text March 13, 2012 - email to RAC (b)(6), (b)(7)(C)
I had a conference call with CRCL today and we discussed the current events of the case. We came to an agreement that we will all soon have to sit down together and discuss the case in detail. From our discussion, it appears that we are on the same page regarding possible allegations. We discussed some of the allegations and they agree with me on the (b)(5)

I spoke with (b)(6),(b) from (b)(6) Atlanta and next week, probably next Thursday (b)(is arranging re-interviews in Fort Payne. I will know something in the next couple of days regarding this issue. These re-interviews could be very important.

After next week, I would like to go sit with CRCL, at HQ, and go over my findings to discuss the allegations with them.

Hide March 13, 2012, spoke wit (b)(6), (b)(7)(C) 13-Mar-2012 19:30:35 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text March 13, 2012, spoke with (b)(6 (OPLA) regarding sending the affidavits to CRCL. He advised that we wait until we find out what the AUSA is going to do about criminal prosecution. I agree.

Previous 10 21-30 Next 10

Related Cases

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ORACLE **ICE OPR Analyst**

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 31-40 Next 10

Details	Description	Date	User
Hide	Had conference call with CRCL,	13-Mar-2012 19:28:21	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Had conference call with CRCL, (b)(6),(b)(7)(C) We came to the agreement that we have to sit down together and discuss the findings in this case. I told them that I woulod check on sending them some reports or affidavits. Possibly I can go to HQ and meet with them with all my reports.

Hide	March 13, 2012 - message from	13-Mar-2012 19:24:31	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text March 13, 2012 - message from (b)(6),(re: interviews in Ft. Payne, AL.
In follow up to your call, we will try to move the date for the interviews to Thursday, the 22nd. We have conflicts on Tuesday and Wednesday of that week. That will also give us some additional time to confirm with individuals who may be available. All of this is dependent on the availability of the witnesses, and as I indicated to you over the phone, I will keep you updated.

(b)(6),(b)(7)(C)
Staff Attorney
(b)(6),(b)(7)(C)

-]Hide March 13, 2012 SA (b)(was ju 13-Mar-2012 19:22:50 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text March 13, 2012
SA (b)(6 was just advised by AUSA (b)(6),(b)(7)(in the Birmingham U.S. Attorney's office that Chief of the Criminal Division has recused themselves from this CRCL case. This is the first I have heard about this. I have a phone call in to (b)(6),(b)(7 for further information.

-]Hide On March 5, 2012, (b)(6),(b)(7) 08-Mar-2012 14:56:21 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On March 5, 2012, SA (b)(6) re-interviewed two detainees at LDC. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) confirmed his previous story and that he hurt his left shoulder from the arrest. He states he still has problem with the injury and he claims that a doctor at the Las Salle Detention Center is treating him for his injury. After speaking with the Director of the medical staff and obtaining a copy of the detainee's medical record, there is no indication that he is currently being treated for his shoulder injury. No one at the facility has ever treated him for this injury since he arrived. The only treatment he received was for a stomach disorder.

(b)(6),(b)(7)(C) changed his story a little. He first stated that he was walking to his trailer when two agents grabbed him and threw him to the ground. This resulted in an injury to the left cheek, a cut and was bleeding. He stated he reported the injury to a black male officer who was tall and heavy. Now, he states that there was only one officer that grabbed him, he did not cut his cheek and was never bleeding. He also previously stated that he was walking to his trailer, but now states he was walking much faster because he knew it was Immigration coming. He also admits that he does not know if his mother or father gave the officers permission to enter the residence or not.

-]Hide (b)(6),(I have these three sch 05-Mar-2012 13:12:59 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text (b)(6),(
I have these three scheduled for interview at 8am Wednesday. You can come to ICE Side of the compound to gain entry, but please call me if the door is locked. Also, are you anticipating any defense attorneys? Let me know when you can.
(b)(6),(b)(7)(C)

(b)(7)(E)

Supervisory Detention & Deportation Officer
Jena, Louisiana

Hide On March 2, 2012, SA (b)(6),(b)(7 05-Mar-2012 12:13:37 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On March 2, 2012, SA (b)(6),(b) received an ammended statement from (b)(6),(b)(7)(C) It is un signed and will get him to sign it on the next trip there.

Hide I spoke with AV (b)(6),(b) he s 01-Mar-2012 20:18:17 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text I spoke with AV (b)(6),(b) he stated this is no issue and Court Office (b)(6),(is going to coordinate the detainees escort to and from the ICE building

318-992 (b)(6),(b)(
(b)(6),(b)(7)(C)

If I can be of assistance...

(b)

(b)(6),(b)(7)(C
CASE MANAGER

(b)(6),(b)(7)(C)
LaSalle Detention Facility

Hide March 1, 2012, Request to La S 01-Mar-2012 20:17:23 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text March 1, 2012, Request to La Salle Detention Center for interviews.

(b)(6

We need to re-interview two detainees on Wednesday, March 7, 2012, starting at approximately 8:00 a.m. The two being re-interviewed are:

(b)(6),(b)(7)(C)

Can you please assist in arranging these two detainees to be available for interviewing on that date. I will meet at the ICE building that morning if someone can let me in.

-|Hide March 1, 2012, email from Pete 01-Mar-2012 20:15:20 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text March 1, 2012, email from (b)(6), ,OPLA, regarding 4th Amendment Training.

(b)(6),(b

(b)(5)

If I can be of any further assistance, please let me know.

(b)(6),(b)(7)(C)
Associate Legal Advisor
Labor and Employment Law Division
Office of the Principal Legal Advisor

-|Hide February 28, 2012 Hi (b)(6),(b) 29-Feb-2012 15:45:43 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text February 28, 2012
Hi (b)(6),(b

I am out of the office today. Can I give you a call tomorrow to coordinate the interviews? I am pretty flexible next week.

Thanks,
(b)(6),(b)(7

Previous 10 31-40 Next 10

+| **Related Cases**

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

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* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 41-50 Next 10

Details Description	Date	User
Hide On February 28, 2012, SA (b)(6)	29-Feb-2012 11:09:03	(b)(6),(b)(7)(C)
Type **Case Notes**		
Visibility **Public**		
Text On February 28, 2012, SA (b)(6) received a copy of the 4th Amendment training that is provided to Homewood, AL (b) from (b)(6),(b)(7)(C) Deputy Chief Counsel, DHS/ICE, (b)(6),(b)(7)(C) Oakdale, LA 71463. Copy attached to file.		
Hide February 28, 2012, updated (b)	29-Feb-2012 11:06:10	(b)(6),(b)(7)(C)
Type **Case Notes**		

Visibility **Public**

Text February 28, 2012, updated (b)(6),(b)(7)(C) on case. Also discussed 4th Amendment training and discussed the case.

Hide February 28, 2012 (b)(6),(b)(29-Feb-2012 11:03:52 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text February 28, 2012.

(b)(6),(b)(7

Hope all is well. I need to coordinate with you on what day next week you will be available to meet me in Jena. I am free except on Monday. The rest of the week I am good. Just let me know what is good for you. If for some reason next week is bad for you just let me know.

Hide (b)(6),(b We will try to schedu 29-Feb-2012 11:02:37 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text (b)(6),

We will try to schedule the Fort Payne interviews on the 19th. I will confirm once we are able to check the availability of those you would like to interview.

Thank you,
(b)(6),(b

Hide (b)(6),(b Sounds good for Je 29-Feb-2012 11:02:03 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Christina,

Sounds good for Jena. I will get in touch with (b)(6),(b)

March 15th, I will be out of state on another case. I will be back on the 16th. Any time before the 15th or after the 16th would work out.

Thanks,

(b)(6),(

Hide On February 28, 2012, received 29-Feb-2012 11:01:07 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On February 28, 2012, received email from (b)(6),(b)(

(b)(6),(b)(7)(C)

We have been able to confer among our team at (b)(6) and have come up with a tentative proposal for the follow-up interviews that you have requested.

We propose conducting interviews at La Salle Detention Center in Jena next week. Please confer with (b)(6),(b)(7)(C) directly as to the day and time suitable for your schedules, as she will be the representative from our office present at those interviews.

For the interviews in Fort Payne, we will begin to coordinate the schedules of our clients so as to try to conduct interviews on Thursday, March 15th. Please inform us if you have any conflicts with that day, before we begin reaching out to our clients. We will check with our clients to ensure their availability, which may take us few days to confirm. As was the case the last time, I will be the attorney present at the interviews that take place in Fort Payne.

Regards,

(b)(6),(b)(7)(C)

Staff Attorney

(b)(6),(b)(7)(C)

Hide On Feb 27, 2012, SA (b)(6),(b)(28-Feb-2012 10:22:57 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On Feb 27, 2012, SA (b)(6) received the following message from (b)(6),(b)(7)(C) This email is in response to SA (b)(6),(request to re-interview detainees and witnesses.

Dear (b)(6),(b)(7)(C)

Thank you for your email. I have conferred with (b)(6),(b)(7)(C) Please provide us with more information related to the purpose and scope of these interviews. If you'd prefer, we can make time to for a phone call later today or tomorrow to discuss the things further. In terms of your proposed schedule to meet with our clients, we are not available this week. We will also need to touch base with our clients in the Fort Payne-area to determine if and when they will be available to be interviewed. As you are aware, coordinating these interviews requires a substantial amount of (b)(staff time. Additionally, these interviews require our clients to set aside time away from their other obligations and family. Prior to agreeing to further interviews, we need additional information. Please note that aside from making arrangements for interpreters, it is also necessary to advise all of our clients' immigration attorneys that you'd like to interview our/their clients again so that they can participate. Please confirm that you will be contacting all of our clients' immigration attorneys about the proposed interviews.

Please note that a number of the people listed below are no longer in detention at the LaSalle facility. (b)(6),(b)(7)(C) are no longer in Jena. In addition, if you will recall (b)(6),(b)(7) is no longer in the United States.

Finally, per our prior communications, please recall that you do not have permission to meet with our clients outside of our presence. Therefore, we'd appreciate it if you could send us more information about the requested interviews or please propose a few times when you will be available to speak so that you can provide more information for us to share with our clients about the additional interviews that you have requested.

(b)(7)(E)

Best,
(b)(6),(

Hide Provided RAC (b)(6),(b) with update 27-Feb-2012 11:32:43 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Provided RAC (b)(6) with updated summary and a brief summary of interviews from ERO (b)(Officers.

Hide Received email regarding 4th A 27-Feb-2012 11:31:11 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Received email regarding 4th Amendment Training.

The following personnel can assist you with who provides the 4th Amendment training for the (b)(6),(b)(7)(C) in Alabama and a copy of the course provided for training

Deputy Chief Counsel (b)(6),(b)(7)(C) (504- 599 (b)(6),(b)(7)(C)
Deputy Chief Counsel (318-335-

(b)(6),(b)(7)(C)
Senior Field Training Officer
DHS ICE/DRO

Hide February 21-24, 2012, intervie 24-Feb-2012 19:33:49 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text February 21-24, 2012, interviewed four Deportation Officers and one Supervisory Immigration Enforcement Agent in Birmingham, AL. Sworn statements were taken from all.

Previous 10 41-50 Next 10

Related Cases

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ICE OPR Analyst

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 51-60 Next 10

Details	Description	Date	User
Hide	February 15, 2012, uploaded Ag	15-Feb-2012 11:57:51	(b)(6),(b)(7)(C)
Type	**Case Notes**		
Visibility	**Public**		
Text	February 15, 2012, uploaded Agent Affidavit fo (b)(6),(b)(7)(C) 2nd interview in JICMS.		
Hide	On January 14, 2012, submitted	15-Feb-2012 10:36:37	(b)(6),(b)(7)(C)
Type	**Case Notes**		
Visibility	**Public**		
Text	On January 14, 2012, submitted updated summary on case to RAC (b)(6), (b)(7)(		

ICE 2014-FOIA-01578 May 22, 2015 Re-Release:000178

(b)(7)(E)

-|Hide February 14, 2012, SA (b)(6),(b) 15-Feb-2012 10:35:57 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text February 14, 2012, SA (b)(6) traveled to LaSalle Detention Center , Jena, Louisiana to interview (b)(6),(b)(7)(C) During the interview, (b)(6) admitted to not telling the truth on his previous statement on December 29, 2011. (b)(6) apoligized and stated his wife (b)(6),(b) n was not truthful on her statement she gave to OPR/NO on January 26, 2012. (b)(6) stated they were worried about being deported back to his country.

-|Hide CRCL sent info regarding intre 15-Feb-2012 10:32:49 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text CRCL sent info regarding intrepreter for the Feb 14th interview of (b)(6),(b)(7)(C) (b)(6),(b)(7)(has been scheduled to serve as the Acateco phone interpreter for tomorrow's interview. She is available from 9:00am CST/7:00am PST and is scheduled to be booked for 2 hours with the understanding that she may be required to extend that time. Her number is: 323-220-(b)(6),

Thanks,
(b)(6),(b)(

-|Hide On February 10, sent message t 15-Feb-2012 10:31:39 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On February 10, sent message to (b)(6),(b)(7)(C)

(b)(6),(This is to notify you, and the Union, that I will be in the Homewood, AL. at the Enforcement and Removal Operations (ERO) office the week of February 20, 2012. The purpose is to conduct witness interviews of Bargaining Unit Employees (BUE) relating to an Office of Professional Responsibility (OPR) investigation.

(b)(6),(b)(7)(C) are scheduled for February 21 – 24, 2012. I have confirmed with each (b) their availability for that week. Everyone is set with the date and time for their interview. Again, these are witness interviews. At this time, there is no subject interviews scheduled. The BUEs have been notified of this as well.

I have been authorized to travel on Monday the 20th, and start the interview process on Tuesday morning at 7:30 a.m.. The interviews are expected to last approx. eight hours each. That is why one interview a day is scheduled (Tues-Fri). I will travel back on Saturday the 25th.

Please notify (b)(6),(b)(e and advise him of the itinerary. I have co (b)(6),(b)(Resident Agent in Charge, OPR, New Orleans.

Please feel free to contact me with any questions.

-|Hide On February 8, 2012, SA (b)(6),(08-Feb-2012 15:58:50 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On February 8, 2012, SA (b)(6) updated CRCL on case and interview of SDDO (b)(6),(More interviews are in the process of being scheduled.

Hide On February 7, 2012, OPR/NO in 08-Feb-2012 15:57:57 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On February 7, 2012, OPR/NO interviewed SDDO (b)(6),(b)(7)(C n Homewood, Alabama. Subject was interviewed as a witness.

Hide On February 1, 2012, spoke wit 02-Feb-2012 09:30:02 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On February 1, 2012, spoke with CRCL (b)(6),(b)(7)(C) They called to inquire about when the interviews of the officers will take place. I advised them that I would let them know ASAP.

Hide February 1, 2012, spoke with ((02-Feb-2012 09:28:21 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text February 1, 2012, spoke with (b)(6),(b)(7 Chief Criminal Section, Birmingham, AL. United States Attorney's Office. Discussed case and the progress. His office is aware of the case and if anything of a criminal nature arise in the case to let him know.

Hide February 1, 2012, received the 01-Feb-2012 15:41:22 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text February 1, 2012, received the followin message and attachments.
Attached to this email is an electronic copy of the releases you requested for those who participated in the interviews in Fort Payne last Thursday and Friday.

Thank you,
(b)(6),(b)(

Previous 10 51-60 Next 10

Related Cases

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CONTACT **ICE OPR Analyst**

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 61-70 Next 10

Details	Description	Date	User
Hide	On January 30, 2012, A case su	31-Jan-2012 12:43:54	(b)(6),(b)(7)(C)
Type	**Case Notes**		
Visibility	**Public**		
Text	On January 30, 2012, A case summary was submitted.		
Hide	Update JICMS with Agent Affida	31-Jan-2012 12:43:29	(b)(6),(b)(7)(C)
Type	**Case Notes**		
Visibility	**Public**		
Text	Update JICMS with Agent Affidavits for the interviews at Dort Payne, AL.		

(b)(7)(E)

Hide January 26-27, 2012, conducted 30-Jan-2012 16:33:31 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 26-27, 2012, conducted interviews in Fort Payne, Alabama. Four were individuals who were arrested during the operation and four were witnesses to some of the arrest.

Hide January 24, 2012, received ema 24-Jan-2012 14:38:57 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 24, 2012, received email message from (b)(6),(b)(7)(C)
Here is the most up to date schedule with some revisions. Please note that (b)(6),(b)(7)(C) is only available Friday morning.

Thank you,
(b)(6),(b)(

Hide January 23, 2012, received rev 24-Jan-2012 10:25:01 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 23, 2012, received revised schedule from (b)(6),(b) for interviews in Fort Payne, AL. on the 26th.
Here is the revised schedule, based on my conversation with (b)(6), this morning. We are still in the process of confirming two of the participants, as is noted on this schedule. As soon as this new schedule is finalized we will let you know. We have managed to get everyone scheduled on Thursday, except for one person so far. (b)(6),(b)(7)(C) is only available on Friday morning.

Hide Montage for each target create 23-Jan-2012 15:13:53 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Montage for each target created and forwarded to case agent. (b)(6), (b)(7)(

Hide January 23, 2012, Spoke with (b 23-Jan-2012 11:08:10 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 23, 2012, Spoke with (b)(6),(b)(7)(Associate Legal Advisor, Labor and Employment Law Division, OPLA. (b)(6) was advised of the case and the current situtation.

Hide On January 21, 2012, SA (b)(6), 22-Jan-2012 10:12:17 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On January 21, 2012, SA (b)(6) spoke with (b)(6),(b)(7)(C) regarding the interpreters for January 26th. (b)(6) advised that he was in touch with (b)(6),(b) on this issue.

Hide On January 21, 2012, SA (b)(6), 22-Jan-2012 10:11:11 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On January 21, 2012, SA (b)(6) participated in a conference call with (b)(6),(b)(7)(C) We discussed the request for prosecutorial descrition for the detainees in LaSalle Detention Center. We also discussed the interviews scheduled for January 26, 2012 in Fort Payne, AL. (b)(6),(b) will be sending a copy of the schedule.

Hide January 21, 2012, received mes 22-Jan-2012 10:07:02 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 21, 2012, received message from (b)(6), (b)(7)(C) regarding the schedule of interviews for the 26th of January.

Please see the schedule that we have put together for the interviews in Fort Payne on Thursday and Friday. Please note that these are the individuals we have currently confirmed to meet on those days. Should something arise between now and then to change the schedule, we will let you know. Also listed is the language needs of each person you will be meeting with. (b)(6) hopefully that will assist you as you schedule interpreters.

If you have any questions, please email or call me (cell 334-425 (b)(6)

Thank you,
(b)(6),(b)

Previous 10 61-70 Next 10

Related Cases

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Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 71-80 Next 10

Details Description	Date	User
Hide January 21, 2012, was cc messa	22-Jan-2012 10:04:58	(b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 21, 2012, was cc message from (b)(6),(b)(7)(C) re: intreperters.
(b)(6),(b)(

My office is coordinating interpreter services for the interviews that are taking place next week. Interpreters will be available via telephone. If you'd like, you can call me today on my BlackBerry @ (202) 57(b)(6) to coordinate dates and times, or I can call you, whatever you feel is more convenient. Thank you.

(b)(6),(b)(7)(C)
Department of Homeland Security
Office for Civil Rights and Civil Liberties

Hide January 20, 2012, Received mes 22-Jan-2012 10:03:03 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 20, 2012, Received message from (b)(6),(b)(7)(C) Atlanta.

(b)(6),(and I just tried reaching you at your number, but it seems like we may have missed you. Please let us know if you have any availability for a call this weekend. (b)(6),(preference regarding a trip to La Salle would be for Tuesday, but we can discuss any details with you by phone. I also wanted to touch base with you with regards to the interviews that will take place in Fort Payne on Thursday and Friday and go over interpreter needs.

Thank you,

Hide (b)(6), (b)(7)(C) assigned as the OPL 21-Jan-2012 10:24:45 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text (b)(6),(b) assigned as the OPLA attorney for this case.

(b)(6),(b)(7)(Associate Legal Advisor, Labor and Employment Law Division
Office of the Principal Legal Advisor
Immigration and Customs Enforcement
(b)(6),(b)(7)(C)
Washington, DC 20536

Hide Messgae received January 20, 2 21-Jan-2012 10:23:07 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Messgae received January 20, 2012 from (b)(6),(b)(7)(C

Dea (b)(6),(

(b)(6),(and I just tried reaching you at your number, but it seems like we may have missed you. Please let us know if you have any availability for a call this weekend. (b)(6),(preference regarding a trip to La Salle would be for Tuesday, but we can discuss any details with you by phone. I also wanted to touch base with you with regards to the interviews that will take place in Fort Payne on Thursday and Friday and go over interpreter needs.

Thank you,

(b)(6),(b)(

Hide January 20, 2012, was cc messa — 21-Jan-2012 10:20:56 — (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 20, 2012, was cc message from (b)(6),(b) sending a request to FOD (b)(6)
(b)(6),(b

Please see attached letter related to our request for prosecutorial discretion. We'd appreciate your prompt response.

(b)(6),(b)(7)(
Legal Director
(b)(6),(b)(7)(C)
Montgomery, Alabama 36104
334-956-(b)(
334-956-8481 (fax)

Hide Mssage from (b)(6),(b)(7)(C) SP — 21-Jan-2012 10:17:46 — (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text Mssage from (b)(6),(b)(7)(C) SPLC on January 20, 2012.

Dear (b)(6),
(b)(7)(C

Would you please update us on where things stand regarding our request for prosecutorial discretion? As you are aware, we have concerns about our client's ability to fully and freely participate in these interviews. As you noted, it was an intimidating experience for them given the setting in which the interviews took place. Thus, I believe that it would be best to conduct (b)(6),(b)(interview in Fort Payne once he has been released, if our request is granted. Please advise as to where things stand and I can then confirm my availability.

Best,
(b)(6),(

Hide January 19, 2011, spoke with (b)(6),(b)(7)(— 19-Jan-2012 20:38:56 — (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 19, 2011, spoke with (b)(6),(b)(7)(CRCL, he is arranging interpreters for the interview coming up on January 23-24 and 26th. CRCL is up to date on current events and up coming interviews.

Hide January 19, 2012, message from — 19-Jan-2012 13:55:08 — (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 19, 2012, message from (b)(6),(b)(7)(C)
Dear (b)(6),(b)
Attached you will find a letter following up on our conversations related to (b)(6) request that prosecutorial discretion be exercised on behalf of our clients who remain in detention at the LaSalle Detention Facility and who are cooperating in the OPR/OCRCL investigation.
Please let me know if you have any questions. We look forward to your prompt response.
Best,
(b)(6),(b)

Hide January 18, 2012, contacted by 18-Jan-2012 16:26:40 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 18, 2012, contacted by (b)(6),(b)(7)(C) SPLC, Atlanta, GA. stating that she will be in Fort Payne, AL on the 26th for the interviews. (b)(6),(b)(advised that the interviews are scheduled to begin at 9:00 am at the Nazarine Church located at 2111 Briarwood, Ave. S.W., Fort Payne, AL.

Hide January 18, 2012, emai (b)(6),(b) 18-Jan-2012 16:22:40 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 18, 2012, emai (b)(6),(b)(7)(CRCL, regarding the interviews coming up on January 26th, in Fort Payne, Alabama. We will need the use of Canjobal and Akateko interpreters. Will CRCL assist with this and tell me what I need to do to get the interpreters?

Previous 10 71-80 Next 10

Related Cases

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ORACLE **ICE OPR Analyst**

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Agent Dashboard >

Update Case:201203098 - EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL

All dates and times are displayed in the America/New_York time zone.
* Indicates a required field.

Cancel | Actions | Create ROI | Go | Save | Apply

* Case Type	Investigation OPR	* Incident City	FORT PAYNE
Lead Agency		* Incident State	DE KALB, AL
Supporting Agency		* Case Summary	CRCL 12-03-ICE-0037: ICE Agents allegedly raided homes without permiss
* The Case is	Closed		
* Status	Closed		

ELR/LER Form

Case Details **Entities** **Notes** **Attachments** **JIC/FDC/IG** **History**

Add Note

Previous 10 81-90 Next 10

Details	Description	Date	User
Hide	Janury 18, 2012, SA (b)(6),(b)(7	18-Jan-2012 16:19:41	(b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text Janury 18, 2012, SA (b)(6),(requested through the RAC that an OPLA attorney be assigned to this case. Birmingham case # 201203098.

Hide	January 18, 2012, SA (b)(6),(sen	18-Jan-2012 16:17:54	(b)(6),(b)(7)(C)

Type **Case Notes**
Visibility **Public**
Text January 18, 2012, SA (b)(6),(b) sent message to (b)(6),(b)(7)(C) CRCL, stating that I am putting together my case file and typing agent affidavits for

(b)(7)(E)

the interviews interview on this case, and pretty soon I may contact an Assistant U.S. Attorney in Alabama to put them on notice that OPR is working a case in their area. An AUSA will also provide assistance, if needed, for possible criminal prosecution.

I will need copies of the notes that you took that day for each detainee interviewed. You can fax them or scan and email them if you wish. Please put your name on the front of each and initial and date each page.

Hide As of January 18, 2012: Seven 18-Jan-2012 16:15:26 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text As of January 18, 2012:
Seven detainee interviews were conducted at LaSalle Detention Center (LDC) on December 29, 2011. These seven detainees were being held without bond due to removal orders. There were more people arrested during the operation that were allowed to bond. These people are at large, and (b)(is attempting to locate and arrange an interview with them. OPR needs to re-interview one detainee at LDC to obtain information that was later discovered that that the detainee was scared to provide. This detainee re-interview will be conducted as soon as possible.

CRCL was present at LDC when OPR conducted the detainee interviews. CRCL had previously requested OPR to take the lead on the interview process. CRCL sat in on the interviews, and if they had a question they were allowed to ask. CRCL advised that for the upcoming interviews they will not travel, but may participated via telephone. (b)(6),(b)(7)(C) was allowed to be with their clients (detainees) during the interview process.

OPR provided (b)(with a list of witnesses that OPR wanted to interview. (b)(6 has informed OPR that they have located several people that were arrested and several witnesses to the arrest that were on OPR's list. The first available time to coordinate the interviews will take place on December 26, 2012, in Fort Payne, Alabama. (b)(is arranging an office at a unknown church in Fort Payne. CRCL stated that they may participate via telephone.

After these interviews, evaluation will be made to determine if any other witnesses need interviewing. Also, more information needs to be gathered and then we will prepare for interviews of the officers involved.

(b)(6),(b)(7)(C)
Special Agent

Hide (b)(and CRCL are assisting OP 18-Jan-2012 16:11:11 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text (b)(and CRCL are assisting OPR/NO with arranging interviews of eight to ten witnesses in Fort Payne, AL. Interviews should begin in Fort Payne on or about January 26, 2012. CRCL advised that they may participate in the interviews via telephone.

Hide January 13, 2012, SA (b)(6),(b)(14-Jan-2012 19:24:06 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 13, 2012, SA (b)(6) received an email from (b)(6),(b)(7)(C)

(b)(7)(E)

Dear (b)(6),(b)(7)(C)

Thank you for your email and phone call. As I mentioned on the phone, (b)(is requesting that prosecutorial discretion be exercised on behalf of our 8 clients who are currently detained in the LaSalle Detention facility. We appreciate your assistance to ensure that this request receives the required attention. Please expect more information from our office related to this request.

(b)(6),(b)(7)(C) will be your main point of contact for the upcoming witness interviews. Our office has been in contact with a number of the individuals that you would like to interview in the Fort Payne area. We have confirmed that at least 5 will be available to be interviewed on Thursday, October 26th. We have also identified that English, Canjobal and Akateko are the languages that the witnesses speak. Therefore, arrangements should be made to have a Canjobal and Akateko interpreters available.

We are reaching out to others on your list as well. Therefore, the number of scheduled interviews may increase before the end of next week. (b)(6),(b) will be able to provide you with more specific information related to the schedule, meeting time/place and any additional witnesses who can be available for interviews. Feel free to communicate with her directly at 404-221(b)(6

We look forward to being in touch. Feel free to let me know if you have any questions or concerns.

Best,
(b)(6),(b)

Hide January 13, 2012, SA (b)(6),(b)(7 14-Jan-2012 19:20:37 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 13, 2012, SA (b)(6 contacted (b)(6),(b)(7)(C with (b)(6),(b)(7)(C to let her know the current status of the detainees. She advised that she understood and wants to send OPR/NO information on (b)(possibly applying for a prosecutorial discretion for the aliens. After we receive this information from (b)(we will forwarded it to SA (b)(6),(and possible OPLA for review.

(b)(6),(b)(7)(C) is an attorney with (b)(6) and was present during the interview of the detainees.

Hide January 13, 2012, notified RAC 14-Jan-2012 19:17:08 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 13, 2012, notified RAC (b)(6),(b)(of the situtation. Decision to call SA (b)(6), (b)(7)(was made to inform of the situtation.

Hide January 13, 2012, SA (b)(6), on 14-Jan-2012 19:15:23 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 13, 2012, SA (b)(6 contacted AFOD (b)(6),(b)(7)(C) ERO, who is over the LaSalle Detention Center. SA (b)(6 inquired regarding the status of the 8 detainees that were interviewed by OPR on December 29, 2011. AFOD (b)(6),(b)(stated seven of the detainees are ready to be removed from the U.S. because they have previous deportation orders. AFOD (b)(6),(b)(stated they contacted CRCL to see what they wanted to do and then he was going to call OPR. I advised him that I would have to get back to him. AFOD (b)(6),(b) stated that ERO can wait a few weeks until they hear from OPR/NO before deporting any of the detainees in question.

(b)(7)(E)

Hide January 13, 2012, SA (b)(6) att 14-Jan-2012 19:10:59 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text January 13, 2012, SA (b)(6) attempted to call (b)(6),(b)(7)(C) but no answer. SA (b)(6) left a message for her to return the call.

Hide On January 13, 2012, received 14-Jan-2012 19:09:34 (b)(6),(b)(7)(C)

Type **Case Notes**

Visibility **Public**

Text On January 13, 2012, received an email and phone call from (b)(6),(b)(7)(Investigator, CRCL, HQ. Below is a copy of the message received. (b)(6), asked me to contact (b)(6),(b) and talk to her about the issue. (b)(6),(b)(7)(C) Management Program Analyst, Information Disclosure, Executive Information and Reporting Unit, ERO.)

Start - Email from (b)(6),(
(b)(6),(b)(as we just discussed, CRCL has interviewed the detainees who were apprehended in this enforcement action, and are currently detained in Lasalle Detention Facility. ICE OPR was also present during the interviews.

After our conversation this afternoon, I spoke with (b)(6),(b)(7)(the ICE OPR agent who I am working with in this complaint, and who was present during the interviews at Lasalle. He stated that he will be calling you to discuss the interviews and the possibility that he may need to re-interview them in the near future. If you have any questions please call or email me. Thanks.
End

Previous 10 81-90 Next 10

Related Cases

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About this Page

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U.S. Department of Homeland Security | Subject ID : 341681080 | **Record of Deportable/Inadmissible Alien**

Family Name (CAPS): (b)(6),(b)(7)(C)	First	Middle	(b)(6),(b)(7)(C)
Country of Citizenship: GUATEMALA	Passport Number and Country of Issue	Case No: (b)(7)(E) (b)(6),(b)(7)(C)	
U.S. Address: (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA, 35967,			Scars and Marks: See Narrative
Date, Place, Time, and Manner of Last Entry: / /1998, Unknown Time, Unk	Passenger Boarded at	(b)(7)(E)	☐ Single ☐ Divorced ☒ Married ☐ Widower ☐ Separated
Number, Street, City, Province (State) and Country of Permanent Residence: See Narrative			Method of Location Apprehended: (b)(7)(E)
(b)(6),(b)(7)(C)	Date of Action: 12/11/2011	Location Code: NOL/BHM	At Near: Fort Payne, Alabama — Date Hour: 12/11/2011 0730
City, Province (State) and Country of Birth: OTR, GUATEMALA	AR ☒ Form (Type and No.) Lifted ☐ Not Lifted ☐		By: See Narrative
NIV Issuing Post and NIV Number	Social Security Account Name		Status at Entry: PWA Other — Status When Found: SEEKING EMPLOYMENT
Date Visa Issued	Social Security Number		Length of Time Illegally in U.S: AT ENTRY
Immigration Record: NEGATIVE - See Narrative		Criminal Record: None Known	
(b)(6),(b)(7)(NATIONALITY: GUATEMALA			Number and Nationality of Minor Children: 1 USC
(b)(6),(b)(7)(C) NATIONALITY: GUATEMALA		(b)(6),(b)(7)(C) NATIONALITY: GUATEMALA	
Monies Due/Property in U.S. Not in Immediate Possession: None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks: See Narrative	Charge Code Words(s)
Name and Address of (Last)(Current) U.S. Employer: See Narrative	Type of Employment	Salary: Hr	Employed from to: / / / /

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

(b)(6),(b)(7)(C)

Left Index fingerprint

(b)(6),(b)(7)(C)

Right Index fingerprint

(b)(7)(E)

O/R

FOREIGN ADDRESS
...(CONTINUED ON I-831)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Alien has been advised of communication privileges (Initials) (Immigration Officer)

Distribution:
A-File
CIS
Etowah - DP0066

Received (Subject and Documents) (Report of Interview)
Officer: (b)(6),(b)(7)(C)
on: December 11, 2011 at 1325 (time)
Disposition: Notice to Appear Detained (I-862)
Examining Officer: (b)(6),(b)(7)(C)

Form I-213 (Rev. 08/01/07)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000192

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C) Event No (b)(7)(E)	12/11/2011

GUITAN
QUATZATHENANGO, OTHER - FOR COUNTRIES OTHER THAN US, MEXICO, AND CANADA, GUATEMALA

ARRESTING AGENTS

(b)(6),(b)(7)(C)

RECORDS CHECKED

(b)(7)(E)

NAME AND ADDRESS OF US EMPLOYER

(b)(6),(b)(7)(C) FORT PAYNE, AL 35967

Record of Deportable/Excludable Alien:
Encounter Information:
On December 11, 2011, (b)(6),(b)(7)(C) was encountered and arrested by the Birmingham (b)(6),(b)(7)(C) at his residence at (b)(6),(b)(7)(C) Fort Payne, Alabama 35967. (b)(6),(b)(7)(C) was encountered during the investigation of an ICE Fugitive. (b)(6),(b)(7)(C) granted the team permission to enter and search the residence.

Immigration History:
(b)(6),(b)(7)(C) states that he is a native and citizen of MEXICO who last entered the United States as set forth above. (b)(6),(b)(7)(C) states and record checks reveal that there are no pending applications or petitions on his behalf. (b)(6),(b)(7)(C) claims that he does not currently possess any valid documents allowing him to remain in the United States legally. (b)(6),(b)(7)(C) makes no claims to a Legal Permanent Resident or a United States Citizenship. was granted a Voluntary Return as a Mexican citizen on March 3, 1998.

Criminal History:
(b)(6),(b)(7)(C) has no other known criminal arrests and/or convictions.

Medical History:
(b)(6),(b)(7)(C) claims no known medical conditions and has stated that he is not taking any medications.

Gang Affiliation:
(b)(6),(b)(7)(C) claims no gang affiliation and bears no evidence of such.

Family Information:

(b)(6),(b)(7)(C)

Telephone Calls:
...(CONTINUED ON NEX

Signature		Title
(b)(6),(b)(7)(C)		DEPORTATION OFFICER

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000193

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C) Event No: (b)(7)(E)	12/11/2011

(b)(6),(b)(7)(C) was afforded the right to call the Mexican consulate at 404-320-(b)(6),(was also afforded the right to call his wife, (b)(6),(b)(7)(C) at 256-601-(b)(6),(b)(7)(C)

Processing Disposition:
Subject will be issued a Notice to Appear and held on a $5,000 bond.

Signature	(b)(6),(b)(7)(C)	Title
		DEPORTATION OFFICER

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000194

U.S. Department of Homeland Security Subject ID : 341675893

Record of Deportable/Inadmissible Alien

Family Name (CAPS) (b)(6),(b)(7)(C)	First	Middle	(b)(6),(b)(7)(C)
Country of Citizenship: GUATEMALA	Passport Number and Country of Issue	Case No: (b)(7)(E) ID:(b)(6),(b)(7)(C)	
U.S. Address: (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA, 35967,			
Date, Place, Time, and Manner of Last Entry: Unknown Date, Unknown Time, UNK	Passenger Boarded at	(b)(7)(E)	☐ Single ☐ Divorced ☒ Married ☐ Widower ☐ Separated
Number, Street, City, Province (State) and Country of Permanent Residence			Method of Location Apprehension: (b)(7)(E)
Date of Birth: (b)(6),(b)(7)(C)	Date of Action: 12/10/2011	Location Code: NOL/BHM	At/Near: FORT PAYNE, AL — Date/Hour: 12/10/2011 0830
City, Province (State) and Country of Birth: SAN RAFAEL, HUEHUETENANGO, GUATEMALA	AR ☒ Form (Type and No.) Lifted ☐ Not Lifted ☐		By: See Narrative
NIV Issuing Post and NIV Number	Social Security Account Name		Status at Entry: PWA Other — Status When Found: TRAVEL/SEEKING
Date Visa Issued	Social Security Number: (b)(6),(b)(7)(C)		Length of Time Illegally in U.S: AT ENTRY
Immigration Record: POSITIVE - See Narrative		Criminal Record: None Known	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate): (b)(6),(b)(7)(C)			Number and Nationality of Minor Children: CLAIMS 1 [14] LIVES AT HOME
(b)(6),(b)(7)(C) Nationality, and Address, if Known: NATIONALITY: GUATEMALA		(b)(6),(b)(7)(C) Names, Nationality, and Address, if Known: NATIONALITY: GUATEMALA	
Monies Due Property in U.S. Not in Immediate Possession: None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks: See Narrative	Charge Code Word(s): I6A
Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from to

Narrative (Outline particulars under which alien was located apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and or criminal violation. Indicate means and route of travel to interior.)

Left Index fingerprint

(b)(6),(b)(7)(C)

Right Index fingerprint

(b)(7)(E)

None

ARRESTING AGENTS

(b)(6),(b)(7)(C)

...(CONTINUED ON I-831)

(b)(6),(b)(7)(C)
Deportation Officer

Alien has been advised of communication privileges _____ (Date Initials) (Signature and Title of Immigration Officer)

Distribution:

TO FILE

TO CIS

TO DP 0066

Received (Subject and Documents) (Report of Interview)

Office: (b)(6),(b)(7)(C)

on: December 10, 2011 at 1227 (time)

Disposition: Bag and Baggage

Examining Officer: (b)(6),(b)(7)(C)

Form I-213 (Rev. 08 01 07)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000195

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C)	12/10/2011
	Event No: (b)(7)(E)	

RECORDS CHECKED

(b)(7)(E)

Record of Deportable/Excludable Alien:

The subject, (b)(6),(b)(7)(C) COC/COB GUATEMALA], is a wanted, fugitive, illegal alien and the target of an ICE / ERO investigation. The subject is removable from the United States pursuant to a Final Order issued by an Immigration Judge. The subject was granted a voluntary departure on 10/07/2004. The subject had until 02/04/2005 to depart the U.S.

On December 10, 2011 at approximately 0730 hours the Birmingham (b)(6),(b)(7)(C) knocked on the door of (b)(6),(b)(7)(C) Fort Payne, AL 35967. The Team was searching for a fugitive, one (b)(6),(b)(7)(C) the father of the subject, (b)(6),(b)(7)(C) COC/COB GUATE]. The Team was given permission to enter the residence by the LPR (b)(6),(b)(7)(C) owner. He stated that the fugitive lived at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, AL 35967. He {LPR} took the Team to that address. The Team arrived at 0820 hours at the residence of the fugitive.

The Team encountered the fugitive at 0830 hours as he arrived at his home. The fugitive was in the company of his spouse, the subject, (b)(6),(b)(7)(C) also a fugitive.

The fugitives gave the team permission to enter their trailer to search for court documents. (b)(6),(b)(7)(C) was in court on 12/09/2011 and has his case re-opened. He was not arrested.

The subject was arrested as an ICE fugitive. The subject freely admitted to entering the United States illegally. The subject admitted she had no immigration documents to enter or remain in the United States. The subject admitted she was a citizen of Guatemala.

The subject had in her possession her (b)(6),(b)(7)(C) The subject has no minor children. The subject is taking no medicines and claims to be in good health.

The subject was arrested and transported to the Chattanooga, TN ICE office for further processing.

The subject was advised of her right to call the Guatemalan Consulate in Atlanta [404-320-(b)(6),(The subject called at 1534 hours and no one answered.

The subject next called her spouse [256-516-(b)(6) at 1535 hours. The call lasted three minutes.

The subject will be held in ICE ERO custody pending her removal to Guatemala.

Signature	Title
(b)(6),(b)(7)(C)	Deportation Officer

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000196

U.S. Department of Homeland Security Subject ID : 341676790

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
(b)(6),(b)(7)(C)		

(b)(6),(b)(7)(C)

Country of Citizenship	Passport Number and Country of Issue	Case No.
GUATEMALA		(b)(7)(E) (b)(6),(b)(7)(

U.S. Address: (b)(6),(b)(7)(C) CARTHAGE, MISSISSIPPI, 39051,

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
Unknown Date, Unknown Time, UNK	

(b)(7)(E)

☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence: See Narrative

Date of Birth	Date of Action	Location Code	Arrested	Date/Hour
(b)(6),(b)(7)(C)	12/10/2011	NOL/BHM	Fort Payne, Alabama	12/10/2011 1430

City, Province (State) and Country of Birth	AR	Form: (Type and No.) Lifted ☐ Not Lifted ☐	By
OTR, GUATEMALA	X		See Narrative

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found
		PWA Other	SEEKING EMPLOYMENT

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.
		AT ENTRY

Immigration Record	Criminal Record
NEGATIVE - See Narrative	None Known

Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)	Number and Nationality of Minor Children
	ONE USC CHILD

Father's Present and Maiden Name, City, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
(b)(6),(b)(7)(NATIONALITY: GUATEMALA	(b)(6),(b)(7)(C) NATIONALITY: GUATEMALA

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted?	Systems Checks	Outside Words(s)
None Claimed	☒ Yes ☐ No	See Narrative	(b)(7)(E)

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from to
See Narrative		Hr	/ / / /

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

(b)(6),(b)(7)(C)

Left Index fingerprint

(b)(6),(b)(7)(C)

Right Index fingerprint

(b)(7)(E)

None

O/R

FOREIGN ADDRESS

SAN RAFAEL INDEPENDENCIO
OTHER - FOR COUNTRIES OTHER THAN US, MEXICO, AND CANADA, GUATEMALA

ARRESTING AGENTS
...(CONTINUED ON I-831)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Alien has been advised of communication privileges 12-1

(Signature and Title of Immigration Officer)

Distribution:

A-File

CIS

Etowah - DP0066

Received: (Subject and Documents) (Report of Interview)

Officer: (b)(6),(b)(7)(C)

on: December 10, 2011 at 1453 (time)

Disposition: Notice to Appear Detained (I-862)

Examining Officer: (b)(6),(b)(7)(C)

Form I-213 (Rev. 08/01/07)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000197

(b)(6),(b)(7)(C)	File Number (b)(6),(b)(7)(C) Event No: (b)(7)(E)	Date 12/10/2011

(b)(6),(b)(7)(C)

RECORDS CHECKED

(b)(7)(E)

NAME AND ADDRESS OF US EMPLOYER

(b)(6),(b)(7)(C) CARTHAGE, MS 39051

Record of Deportable/Excludable Alien:
Encounter Information:
On December 10, 2011, (b)(6),(b)(7)(C) was encountered and arrested by the Birmingham (b)(6),(b)(7)(C) at the residence of his girlfriend, (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, Alabama 35967. (b)(6),(b)(7)(C) was encountered during the investigation of an ICE Fugitive. (b)(6),(b)(7)(C) gave the team permission to enter and search the residence. (b)(6),(b)(7)(C) claims to live at (b)(6),(b)(7)(C), Carthage, Mississippi 39051.

Immigration History:
(b)(6),(b)(7)(C) states that he is a native and citizen of GUATEMALA who last entered the United States as set forth above (b)(6),(b)(7)(C) states and record checks reveal that there are no pending applications or petitions on his behalf. (b)(6),(b)(7)(C) claims that he does not currently possess any valid documents allowing him to remain in the United States legally. (b)(6),(b)(7)(C) makes no claims to a Legal Permanent Resident or a United States Citizenship. filed for a visa in the country of Guatemala on March 16, 2007 and was apparently denied.

Criminal History:
(b)(6),(b)(7)(C) has no other known criminal arrests and/or convictions.

Medical History:
(b)(6),(b)(7)(C) claims no known medical conditions and has stated that he is not taking any medications.

Gang Affiliation:
(b)(6),(b)(7)(C) claims no gang affiliation and bears no evidence of such.

Family Information:

(b)(6),(b)(7)(C)

Telephone Calls:
(b)(6),(b)(7)(C) was afforded the right to call the Guatemalan consulate at 404-320-(b)(6),(b)

(b)(6),(b)(7)(C) was also afforded the right to call his girlfriend and mother of his child, (b)(6),(..(CONTINUED ON NEXT PAGE)

Signature	(b)(6),(b)(7)(C)	Title DEPORTATION OFFICER

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000198

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C) Event No (b)(7)(E)	12/10/2011

(b)(6),(b)(7)(C) at 256-630 (b)(6),(b)

Processing Disposition:
Subject will be issued a Notice to Appear and held on a $5,000 bond.

Signature	(b)(6),(b)(7)(C)	Title
		DEPORTATION OFFICER

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000199

U.S. Department of Homeland Security | Subject ID : 341676725 | **Record of Deportable/Inadmissible Alien**

Family Name (CAPS) (b)(6),(b)(7)(C)	First	Middle
Country of Citizenship: GUATEMALA	Passport Number and Country of Issue: See Narrative	Case No.: (b)(6),(b)(7)(File Number: (b)(7)(E)
U.S. Address: (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA, 35967,		
Date, Place, Time, and Manner of Last Entry: Unknown Date, Unknown Time, UNK	Passenger Boarded at	
Number, Street, City, Province (State) and Country of Permanent Residence: See Narrative		
Date of Birth: (b)(6),(b)(7)(C)	Date of Action: 12/10/2011	Location Code: NOL/BHM
City, Province (State) and Country of Birth: OTR, GUATEMALA	AR [X] Form: (Type and No.) Lifted ☐ Not Lifted ☐	
NIV Issuing Post and NIV Number	Social Security Account Name	
Date Visa Issued	Social Security Number	

(b)(6),(b)(7)(C)

(b)(7)(E)

☐ Single ☐ Divorced ☒ Married ☐ Widower ☐ Separated
Profession

At/Near: Fort Payne, Alabama	Date/Hour: 12/10/2011 1000
By: See Narrative	
Status at Entry: PWA Other	Status When Found: SEEKING EMPLOYMENT
Length of Time Illegally in U.S.: AT ENTRY	

Immigration Record: POSITIVE - See Narrative	Criminal Record: None Known
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate): (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA	Number and Nationality of Minor Children: NONE
Father's Name, Nationality, and Address, if Known: (b)(6),(b)(7) NATIONALITY: GUATEMALA	Mother's Present and Maiden Names, Nationality, and Address, if Known: (b)(6),(b)(7)(Maria NATIONALITY: GUATEMALA

Monies Due/Property in U.S. Not in Immediate Possession: None Claimed	Fingerprinted: ☒ Yes ☐ No	Systems Checks: See Narrative	(b)(7)(E)	Words(s)
Name and Address of (Last)(Current) U.S. Employer: UNEMPLOYED	Type of Employment	Salary: /Hr	Employed from to: / / / /	

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

(b)(6),(b)(7)(C)

Left Index fingerprint

(b)(6),(b)(7)(C)

Right Index fingerprint

(b)(7)(E)

None

O|R

PASSPORT NUMBER AND COUNTRY OF ISSUE

(b)(6),(b)(7)(C)

FOREIGN ADDRESS

...(CONTINUED ON I-831)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Alien has been advised of communication privileges 12-1 ...als)

DEPORTATION OFFICER
(Signature and Title of Immigration Officer)

Distribution:

A-File

CIS

Etowah - DP0066

Received: (Subject and Documents) (Report of Interview)

Office: (b)(6),(b)(7)(C)

on: December 10, 2011 at 1429 (time)

Disposition: Notice to Appear Detained (I-862)

Examining Officer: (b)(6),(b)(7)(C)

Form I-213 (Rev. 08/01/07)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000200

U.S. Department of Homeland Security — Continuation Page for Form I213

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C) Event No: (b)(7)(E)	12/10/2011

(b)(6),(b)(7)(C)
HUEHUETENANGO, OTHER - FOR COUNTRIES OTHER THAN US, MEXICO, AND CANADA, GUATEMALA

ARRESTING AGENTS

(b)(6),(b)(7)(C)

RECORDS CHECKED

(b)(7)(E)

Record of Deportable/Excludable Alien:
Encounter Information:
On December 10, 2011, (b)(6),(b)(7)(C) was encountered and arrested by the Birmingham (b)(6),(b)(7)(C) outside of his residence (b)(6),(b)(7)(C) Fort Payne, Alabama 35967. (b)(6),(b)(7)(C) was encountered during the investigation of an ICE Fugitive.

Immigration History:
(b)(6),(b)(7)(C) states that he is a native and citizen of GUATEMALA who last entered the United States as set forth above (b)(6),(b)(7)(C) states and record checks reveal that there are no pending applications or petitions on his behalf. (b)(6),(b)(7)(C) claims that he does not currently possess any valid documents allowing him to remain in the United States legally. (b)(6),(b)(7)(C) makes no claims to a Legal Permanent Resident or a United States Citizenship. (b)(6),(b)(7)(C) applied for (b)(6),(b)(7)(C) his status was adjusted to EWI (Entry without Inspection) (b)(6),(b)(7)(C)

Criminal History:
(b)(6),(b)(7)(C) has no other known criminal arrests and/or convictions.

Medical History:
(b)(6),(b)(7)(C) claims no known medical conditions and has stated that he is not taking any medications.

Gang Affiliation:
(b)(6),(b)(7)(C) claims no gang affiliation and bears no evidence of such.

Family Information:
(b)(6),(b)(7)(C)

Telephone Calls:
(b)(6),(b)(7)(C) was afforded the right to call the Guatemalan consulate at 404-320-(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was also afforded the right to call his wife, (b)(6),(b)(7)(C) at 256-630-(b)(6),.

...(CONTINUED ON NEXT

Signature	Title
(b)(6),(b)(7)(C)	DEPORTATION OFFICER

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000201

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C)	12/10/2011
	Event No: (b)(7)(E)	

Processing Disposition:
Subject will be issued a Notice to Appear and held on a $5,000 bond.

Signature		Title
	(b)(6),(b)(7)(C)	DEPORTATION OFFICER

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000202

U.S. Department of Homeland Security Subject ID : 341669889 **Record of Deportable/Inadmissible Alien**

(b)(6),(b)(7)(C)	First / Middle		(b)(6),(b)(7)(C)
Country of Citizenship: GUATEMALA	Passport Number and Country of Issue: (b)(6),(b)(7)(C)	Case No.: (b)(7)(E) (b)(6),(b)(7)(C)	
U.S. Address: (b)(6),(b)(7)(C) SCOTTSBORO, ALABAMA, 35768,			Scars and Marks: See Narrative
Date, Place, Time, and Manner of Last Entry: Unknown Date, Unknown Time, UNK, EWI	Passenger Boarded at	(b)(7)(E)	☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated
Number, Street, City, Province (State) and Country of Permanent Residence: LA INDEPENDENCIA SAN RAFAEL, HUEHUETENANGO, GUATEMALA			
Date of Birth: (b)(6),(b)(7)(C)	Date of Action: 12/09/2011 / Location Code: NOL/BHM		At/Near: Scottsboro, Alabama / Date/Hour: 12/09/2011 0600
City, Province (State) and Country of Birth: SAN RAFAEL, HUEHUETENANGO, GUATEMALA	AR ☒ Form: (Type and No.) Lifted ☐ Not Lifted ☐		By: See Narrative
NIV Issuing Post and NIV Number	Social Security Account Name: NONE		Status at Entry: PWA Other / Status When Found: SEEKING EMPLOYMENT
Date Visa Issued	Social Security Number		Length of Time Illegally in U.S.: OVER 1 YEAR
Immigration Record: NEGATIVE - See Narrative		Criminal Record: None Known	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children: ONE, UNITED STATES
Father's Name, Nationality, and Address, if Known: (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA		Mother's Present and Maiden Names, Nationality, and Address, if Known: (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA	
Monies Due Property in U.S. Not in Immediate Possession: None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks: See Narrative	Charge Code Words(s): (b)(7)(E)
Name and Address of (Last)(Current) U.S. Employer: NONE	Type of Employment: Unemployed or Retired	Salary	Employed from/to: / / / /

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

(b)(6),(b)(7)(C)

Left Index fingerprint

(b)(7)(E)

Right Index fingerprint

(b)(6),(b)(7)(C)

O/R'd

S AREA

ARRESTING AGENTS
...(CONTINUED ON I-831)

Alien has been advised of communication privileges 12-9-11 (b)(6),(b)(7)(C) (Date/Initials)

(b)(6),(b)(7)(C) Deportation Officer (Signature and Tit

(b)(6),(b)(7)(C)

Distribution:
A File
CIS
Etowah DP 0066

Received: (Subject and Documents) (Report of Interview)
Officer: (b)(6),(b)(7)(C)
on: December 9, 2011 at 1359 (time)
Disposition: Noti
Examining Officer:

(b)(6),(b)(7)(C)

Form I-213 (Rev. 08/01/07)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000203

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C)	12/09/2011
	Event No: (b)(7)(E)	

(b)(6),(b)(7)(C)

RECORDS CHECKED

(b)(7)(E)

Record of Deportable/Excludable Alien:

(b)(6),(b)(7)(C) is a native of Guatemala and a citizen of Guatemala who claims to have last entered the United States by illegally crossing the International Boundary near Arizona, about seven years ago. Subject has no documents allowing him to enter, pass through or reside in the United States legally. Subject makes no claim to either Legal Permanent Resident status or to United States Citizenship.

(b)(6),(b)(7)(C) was arrested by ICE agents of the Homewood, Alabama (b)(6),(b)(7)(C) (b)(6) on December 9, 2011. (b)(6),(b) was encountered leaving the last known address of a suspected fugitive alien, in Scottsboro, Alabama. When questioned as to his immigration status, (b)(6),(b admitted to being in the United States without having been admitted or paroled. Subject was taken into ICE custody and transported to the Homewood, Alabama office for processing.

(b)(6),(b)(7)(C) has applied for (b)(6),(b)(7)(C) no disposition was found. Subject claims he did not complete the process.

(b)(6),(b)(7)(C) has no known previous criminal history.

Subject was in possession of a valid Guatemalan passport at the time of arrest.

Subject appears to be in good health and claims no medical problems or medications taken.

Subject claims no gang affiliations and bears no evidence of such.

Subject was processed for NTA.

Subject is amenable to Removal from the United States pursuant to Section 212(a)(6)(A)(i)of the INA.

Subject has no known wants or warrants.

Subject was given a $5,000.00 bond.

Subject was advised of his right to speak with a representative of the Guatemalan Consulate, he declined.

Subject was given the opportunity to make a local call.

Signature		Title
(b)(6),(b)(7)(C)		Deportation Officer

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000204

Policy Number: 1032.1
FEA Number: 306-112-002b

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All ICE Employees

FROM: John Morton
Director

SUBJECT: Statement of Policy and Intent Regarding Employee Integrity

I write to remind all employees of the special public trust and confidence that we must all honor as we go about our important business as representatives of U.S. Immigration and Customs Enforcement (ICE). As a federal law enforcement agency entrusted with upholding the Constitution and enforcing the customs and immigration laws of this nation, all ICE employees must exhibit the highest standards of integrity and professionalism in their conduct and interaction with the public.

The professional conduct of employees should demonstrate the qualities of integrity, honesty, and loyalty to the United States, a deep sense of responsibility for the public trust, promptness and courtesy in dealing with and serving the public, and a standard of personal behavior that reflects positively upon, and will be a credit to, all employees of ICE and the United States Government.

All employees, regardless of position or rank, are accountable for their choices and actions. Employees who violate the public trust for personal gain or other personal motives, or who compromise their integrity, undermine how the public views them, their co-workers and, in turn, the entire agency. Failure to demonstrate the highest standard of integrity can also interfere with ICE's ability to further the mission that you faithfully carry out each and every day. Consequently, ICE employees must not engage in any conduct or activities that would discredit them, bring ICE into disrepute, or impair the agency's efficient and effective operation.

This memorandum should also serve as a reminder that ICE employees must abide by applicable ICE policies and other rules that govern their conduct at all times, in the United States or abroad. Regardless of local laws or regulations, employees who are permanently stationed abroad or on official travel abroad must abide by the laws, rules, and regulations of the United States. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

Ethics rules and related policies governing the conduct of ICE employees are available on our website. The ICE Ethics Office and the Office of Professional Responsibility are always available to answer any questions you may have and provide guidance on ethics and prohibited conduct.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000205

By the authority vested in me as Director of U.S. Immigration and Customs Enforcement, I direct the foregoing policy and intent regarding integrity be communicated to the workforce through the leadership of ICE and implemented forthwith.

Signature _____ Date 5/24/12

1033.1: Employee Code of Conduct

Issue Date: August 7, 2012
Effective Date: August 7, 2012
Superseded: This Directive is the originating and establishing document regarding the U.S. Immigration and Customs Enforcement (ICE) Employee Code of Conduct. This Directive supersedes all previous U.S. Immigration and Naturalization Service or U.S. Customs Service issuances, but does not supersede the authorities or references listed in section 7 of this Directive. Additionally, this Directive supersedes any and all local guidance and procedures that are inconsistent with this Directive.

Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** As a law enforcement agency, ICE and all its employees have been given the honor of a special public trust. It is imperative that everyone at ICE respect this special public trust by exercising their power and authority with integrity. This includes building and maintaining the trust and confidence of the nation's citizenry; their support enhances ICE's ability to accomplish its mission. To accomplish this, all ICE employees' professional behavior must be beyond reproach and be a model for all to follow. All ICE employees must clearly understand that they are not only representing themselves, but also their co-workers, ICE, and the Federal Government, and that the highest standards of conduct and ethical behavior are required. The purpose of this Directive is to set forth general standards of conduct for all ICE employees to follow that promote integrity and professionalism, conform to established ethical principles, and further the mission of ICE and the efficiency of the Federal government in a manner that merits the respect of the public we serve.

2. **Policy.** To maintain the highest standards of integrity and professionalism at ICE, all employees, whether on- or off-duty or on official travel, must conduct themselves in a manner that does not adversely reflect on ICE; impede the ability of ICE or DHS to discharge its mission; cause embarrassment to the agency; or cause the public or ICE to question the reliability, judgment, or trustworthiness of its employees. All ICE employees will carry out their duties in a professional and business-like manner and will adhere to this Directive and any other applicable policies, statutes, rules, or regulations that govern conduct at all times, in the United States or abroad, whether or not they appear in this Directive. Employees are accountable for their actions and are subject to appropriate disciplinary action for misconduct when there is a nexus, i.e., connection, between their misconduct (on- or off-duty) and the efficiency of the service. Depending on the circumstances, failure to adhere to this Directive may result in disciplinary, adverse, or other corrective action. This Directive does not prohibit conduct that is protected by federal law.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000207

3. Definitions. None.

4. Responsibilities.

4.1. The Director of ICE is responsible for establishing the Code of Conduct for all ICE employees.

4.2 The ICE Ethics Office is responsible for:

1) Advising ICE employees on their ethics obligations.

2) Responding to employees' questions concerning potential conflicts between their official responsibilities as government employees and their personal activities or other ethics questions, such as outside employment, fundraising, and giving/receiving gifts.

4.3. Supervisors are responsible for:

1) Ensuring that all employees receive and acknowledge receipt of a copy of this Directive within the first pay period of their employment and are made aware of any updates or amendments within one pay period of issuance.

2) Providing positive leadership and serving as a role model for their employees by complying with the Directive.

3) Treating fellow ICE employees with dignity and respect.

4) Communicating to their employees that discrimination, harassment, a hostile work environment, and retaliation will not be condoned or tolerated.

5) Taking action promptly to notify the Office of Professional Responsibility (OPR) of known or suspected arrests, criminal activity, or serious misconduct on the part of employees.

6) Addressing allegations of less serious misconduct in accordance with ICE policy.

4.4. ICE Employees are responsible for:

1) Reviewing and abiding by this Directive.

2) Being aware of the consequences of violating this Code of Conduct, applicable statutes, regulations, and rules regarding employee conduct.

3) Complying with the Standards of Ethical Conduct for Employees of the Executive Branch (5 Code of Federal Regulations (C.F.R.) Part 2635), and the Federal Criminal Conflict of Interest statutes (18 United States Code §§ 201-209).

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000208

4) Reporting employee misconduct, including arrests and violations of law, rule, or regulation, in accordance with established policies and procedures.

5) Timely filing of any required public or confidential financial disclosure and completing required ethics training.

6) Seeking advice and guidance as needed from their supervisor concerning their responsibilities under this and other policies governing employee conduct.

7) Completing the ICE Ethics Orientation for new employees within 90 days of starting employment at ICE, and annually completing required Ethics and Prevention of Sexual Harassment training courses.

8) Seeking advice and guidance as needed from the ICE Ethics Office concerning potential conflicts between their official responsibilities as government employees and their personal activities.

5. **Procedures/Requirements.** All ICE employees must abide by the standards of conduct set forth in this Directive. ICE employees must understand that this is not an exhaustive list. The absence of a specific standard of conduct does not mean that the unspecified behavior is permissible or that no corrective action will be taken as a result from unspecified misconduct. Employees must comply with all applicable statues, rules, policies, and regulations, and must not commit any of the offenses listed in the ICE Table of Offenses and Penalties.

5.1. Conduct Unbecoming of an ICE Employee.

Because we are entrusted with enforcing the Constitution and laws of the United States, all employees must scrupulously avoid any conduct that might compromise their integrity or that of their fellow employees or ICE. ICE employees must not engage in any conduct or activities on- or off-duty that would discredit the employee, embarrass or bring ICE into disrepute, interfere with or adversely affect ICE's mission, or impair its efficient and effective operation.

5.2. Loyalty.

Public service is a public trust. Each ICE employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.

5.3. Truthfulness.

ICE employees must be accurate, complete, and truthful in all official matters. ICE employees must not make any misleading or ambiguous statements about official matters that are designed to deceive or mislead others unless it is necessary in connection with an

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000209

official assignment. This includes cooperating with official inquiries and providing complete and accurate information in regard to any issue under investigation.

5.4. Courtesy.

ICE employees must be professional, polite, respectful, considerate, helpful, and patient in all official activities that involve contact with fellow workers or members of the public, even in the face of considerable provocation.

5.5. Professionalism.

As part of ICE's responsibility for maintaining a safe, respectful, and productive work environment, employees must display professionalism in their work at all times. All employees must be treated equally, regardless of age, disability, race, marital status, sex, sexual orientation, color, religion, political beliefs, national origin or descent.

Employees may not harass their co-workers or engage in gender-based or sexual harassment in the workplace. They may not abuse in any way their position towards a person who is dependent upon them, including their subordinates. ICE does not tolerate workplace violence including fighting, threats (verbal, visual, or written), or other disruptive behavior or language.

5.6. Ethical Responsibilities.

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, all employees must comply with the Standards of Ethical Conduct for Employees of the Executive Branch found at 5 C.F.R. Part 2635.

5.7. Prohibited Associations and Establishments.

ICE employees may not knowingly and inappropriately interact or associate with any persons or organizations actively connected to or engaged in criminal or unlawful activity unless it is necessary as part of an official assignment. ICE employees may not engage in any inappropriate social, sexual, financial, or business relationship with an informant, former informant, or suspected or known criminal. Employees also may not knowingly employ individuals who do not have lawful immigration status in the United States.

5.8. Use of Alcohol and Drugs.

ICE employees may not use illegal substances and may not use legal substances, including alcohol, in a manner that adversely affects the performance of their duties. Employees must not operate government vehicles under the influence of alcohol or other substances that impair operation of government vehicles.

5.9. Gambling.

ICE employees may not engage in any gambling activity while on duty or on Government-owned or -leased property, including gambling on the internet, having an office pool, or conducting any game with financial stakes.

5.10. Attempted Bribes.

Offers of bribery represent direct attacks on the integrity of ICE. If a bribery overture is made, ICE employees must report such activity immediately to the local OPR office by telephone: 1-877-246-8253, or by email Joint.Intake@dhs.gov. ICE employees may also report such activity to the DHS Office of Inspector General.

5.11. Financial Obligations.

ICE employees are expected to meet all just financial obligations and must not knowingly enter into debts they cannot pay. A "just financial obligation" is one that employees have acknowledged or one where there is a final order requiring payment.

5.12. Proper Use of Government Property.

ICE employees must be good stewards of government property and must conserve, protect, and dispose of such property in accordance with the established procedures. In addition to disciplinary or adverse action, employees may also be responsible for paying for damage to, or loss of, government property in their care. Any lost, damaged, or stolen property (including firearms and badge/credentials) must be reported to the appropriate supervisor as soon as possible.

5.13. Use of Badges, Credentials, Official Identification.

Badges, credentials, and official identification cards must be used only for official purposes.

5.14. Safeguarding and Use of Information, Documents and Records.

Employees will properly handle Government records in accordance with ICE and DHS policies including those governing the handling of Sensitive Personally Identifiable Information, Sensitive Security Information, Classified Information, or For Official Use Only/Sensitive but Unclassified information.

5.15. Standard of Attire.

ICE employees must present a professional and positive image to the public and our colleagues both within and outside of ICE. While on official duty, employees must adhere to any applicable dress code policy where they are stationed.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000211

5.16. Reporting Violations of Laws and Employee Misconduct.

Employees have a responsibility to report allegations of employee misconduct, including any violations of law, rule or regulation, of which they are aware. Employees must promptly report to their supervisor and OPR if they are arrested or charged formally in connection with any violation of a federal, state, or local law. Routine traffic tickets do not need to be reported unless the violation is drug or alcohol related (e.g., DUI charges). Reporting must be done in accordance with existing laws and policies.

5.17. Official Travel.

ICE employees must abide by this Code of Conduct and all DHS or ICE policies while stationed abroad or on official travel, even if the prohibited behavior would be permissible under local laws. Any ICE employee on official travel abroad is also subject to any rules set forth by the applicable Chief of Mission.

6. Recordkeeping. None.

7. Authorities/References.

7.1. Sections 402(3) and 402(5) of the Homeland Security Act of 2002.

7.2. 18 U.S.C. §§ 201-209.

7.3. 5 U.S.C. §§ 7321-7326 (The Hatch Act) and implementing regulations at 5 C.F.R. Part 734.

7.4. Stop Trading on Congressional Knowledge Act of 2012 (Stock Act), Public Law No. 112-05.

7.5. 5 C.F.R. Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch.

7.6. 5 C.F.R. Part 2634, Executive Branch Financial Disclosure, Qualified Trusts and Certificates of Divestiture.

7.7. 5 C.F.R. Part 950, Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations.

7.8. 5 C.F.R. Part 735, Employee Responsibilities and Conduct.

7.9. Department of Homeland Security Management Directive 0480.1, "Ethics/Standards of Conduct."

7.10. ICE Directive 17001.1 (formerly directive 6-1.0), "Functions of the Office of Professional Responsibility."

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000212

7.11. ICE Directive 1022.1 (formerly directive 1-15.0), "Table of Offenses and Penalties (TOP)."

7.12. ICE Directive 1027.1, "Romantic or Sexual Relationships between ICE Supervisors and their Subordinates (Anti-Fraternization Policy)."

7.13 ICE Directive 1032.1, "Statement of Policy and Intent Regarding Employee Integrity."

7.14. ICE and Customs and Border Protection joint memorandum, signed by the Commissioner of CBP and the Assistant Secretary of ICE dated July 2, 2004, titled, "Guidance on Reporting Employee Misconduct."

7.15. ICE memorandum, signed by ICE Deputy Director Peña dated November 10, 2010, titled, "Directing Complaints Appropriately to the Joint Intake Center (JIC), the Office of Professional Responsibility (OPR), the Office of the Inspector General (OIG), or Local Management."

7.16. ICE Employees' Guide to the Standards of Conduct.

8. **Attachments.** None.

9. **No Private Right.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

John Morton
Director
U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000213

Policy #: 1039.1
FEA #: 306-112-002b

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

OCT 2 5 2013

MEMORANDUM FOR: Career and Non-Career Senior Executive Service Members and Schedule C Employees

FROM: Daniel H. Ragsdale
Deputy Director

SUBJECT: Ethics Exit Brief

U.S. Immigration and Customs Enforcement (ICE) is committed to the highest standards of professional conduct and expects all ICE employees to adhere to these standards. As the most senior and high-profile employees of this agency, we hold positions vested with the trust and confidence of the talented workforce that we lead and the American public whom we serve and protect. Consistent with these principles, it is the obligation of all federal employees to act in accordance with the Executive Branch Standards of Conduct and general post-government employment service restrictions, as codified in 18 U.S.C. §§ 208 and 207, 41 U.S.C §§ 2101-2107 and 5 CFR § 2635.

The rules regarding post-government employment (cited above) can be complex and difficult to navigate. In order to help employees understand how the rules apply to them and to ensure compliance, all career and non-career Senior Executive Service (SES) members and Schedule C employees must receive an ethics briefing by an ICE Ethics attorney prior to departing the agency for employment with a non-federal entity. Upon departure from federal service, the required exit clearance forms will be noted as having completed the requirement. Those SES and Schedule C employees transferring within the Federal Government do not need to be briefed but are required to check-out with an ICE Ethics attorney.

The ethics exit briefing will cover important and highly relevant topics, such as potential conflicts of interest while seeking future employment, post-government employment service restrictions, obligations under the Stop Trading on Congressional Knowledge (STOCK) Act, and financial disclosure filing requirements.

Please contact the ICE Ethics Office at (b)(7)(E) in the early stages of planning for post-government employment to take full advantage of their advice and assistance.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000214

Policy Number: 11001.1
FEA Number: 601-03

Office of the Assistant Secretary

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

DEC 0 8 2009

MEMORANDUM FOR: Field Office Directors and
All Fugitive Operation Team Members

FROM: John Morton
Assistant Secretary

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.[1] In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

[1] A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

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Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.[2] Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

Tier 1 Fugitive aliens
- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens
- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes
- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

[2] These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).

U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/18 -P

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

JUN 14 2000

MEMORANDUM FOR: ALL REGIONAL DIRECTORS

FROM: Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Quick Response Team Response Policy

The Commissioner approved the attached response policy for the Quick Response Teams (QRTs). The issuance of this policy does not preclude QRT officers from conducting other investigative duties assigned by District management, however, the QRTs primary responsibility is responding to requests for assistance from state and local law enforcement agencies (LEA), and training these LEA officers as was outlined in the QRT training program that all QRT officers must attend. Additionally, Headquarters will be mailing out finalized electronic versions of the QRT training program including overlays for QRT officers to use in training LEAs. These are the materials that all QRT officers will utilize when training LEAs.

The definition for "response" in the response policy will be applied to all QRT reporting requirements. This definition is necessary to ensure accurate and consistent reporting throughout all QRT offices.

Attachments (2)
Commissioner Approval of QRT Response Policy
QRT Response Policy

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000219

U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/18 – P

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

MEMORANDUM FOR: THE COMMISSIONER

THROUGH: THE DEPUTY COMMISSIONER

FROM: Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Quick Response Teams - Response Policy

PURPOSE: Request approval for the attached response policy.

TIMETABLE: Immediately. Quick Response Teams (QRTs) are 90 percent deployed.

SYNOPSIS: The QRT response policy was developed by the Immigration and Naturalization Service (INS), the Office of Special Counsel, Civil Rights Division, and the Community Relations Service.

This policy will be the standard that all QRTs will apply when responding to state and local law enforcement requests for assistance. The response policy will be the cornerstone of the training provided by the INS to state and local law enforcement agencies. It is requested that the policy be reviewed and approved in order for it to be immediately implemented.

APPROVE: (b)(6),(b)(7)(C) 5/25/00

DISAPPROVE: _____

OTHER: _____

Attachment

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000220

Quick Response Teams
Response Policy to Outside Law Enforcement Agency Referrals

In the FY 1999 appropriation for the Immigration and Naturalization Service (INS), Congress appropriated funding for the creation of Quick Response Teams (QRTs) "to work directly with state and local law enforcement officers to take into custody and remove illegal aliens." Within the context of the statutory language, the INS intends to establish the QRTs in a manner that supports the law enforcement mission of the INS and protects the constitutional and civil rights of all concerned.

The deployment of the QRTs does not confer Federal immigration authority on any outside law enforcement agency (LEA). A local law enforcement officer does not have authority to determine whether an alien has the right to be or remain in the United States, or to make arrests for administrative violations of the Immigration and Nationality Act. In establishing the QRTs, the INS will provide the local LEAs with training, but this training is not to be interpreted as "cross-training" for the purposes of delegation of authority under Title 8, USC, Section 1357.

The Quick Response Teams will respond to referrals from state and local law enforcement agencies only under the following circumstances:

1) When the local law enforcement officer has already arrested and charged an individual for a violation of state or local law; or

2) When, pursuant to a lawful stop based on state and local law, the local law enforcement officer has reasonable suspicion that a violation of felony criminal provisions within the authority of the INS has occurred.

For the purposes of this policy a response is defined as:

- a physical response regardless of whether an arrest was made (i.e.a special agent going to a police station);
- the lodging of a detainer with the LEA; or
- a telephonic or video teleconferencing interview to determine alienage and/or removability.

A returned telephone call where one of the above is not involved does not constitute a response under this policy.

Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors AUG 3 2006

FROM: John P. Torres
Acting Director

SUBJECT: **Operation Secure Streets – Directive and Guidance**

This Memorandum serves to provide directive and guidance for Operation Secure Streets, an operation developed to address illegal aliens convicted of violations of local driving under the influence laws in your respective areas of responsibility (AORs).

The 23 Field Office Director (FOD) offices shall conduct threat assessments to identify the scope of the problem in their AORs. The Headquarters Detention and Removal Operations (HQDRO) Compliance Enforcement Division (CED) will coordinate with the FODs to develop a five-step process for implementation of Operation Secure Streets, to ensure uniformity and consistency in identifying and prioritizing targets and establish coordination between ICE DRO and other law enforcement agencies.

The Five-Step process, explained in detail below, will be used to identify threats and obtain intelligence, analyze/exploit intelligence, prioritize targets and coordinate with U.S. Attorneys and law enforcement partners, to commence enforcement actions against illegal aliens convicted of violating the drunken driving laws in your AOR.

Step 1 - Identify Threats and Obtain Intelligence:

Effective immediately, FOD Offices shall contact all local law enforcement, probation and parole offices within their AOR to obtain electronic lists of foreign born persons convicted of drunk driving offenses. These lists shall then be forwarded to the Law Enforcement Support Center (LESC) and the Fugitive Operations Support Center (FOSC) for assessment.

Step 2 - Analyze/Exploit Intelligence:

The Fugitive Operations Unit (Fug Ops) within the HQCED shall coordinate the simultaneous collection of the data described in Step 1 with LESC and FOSC. FOSC exploits the data for potential commercial database leads and establishes links and relationships within the data. The LESC runs the data against various ICE and commercial databases in order to identify potential violations under ICE's jurisdiction. The FOSC and LESC work product shall be analyzed and packaged as target folders.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000222

Step 3 - Prioritize Targets:

As target folders are completed, Fug Ops will forward them to the respective FODs for action. The FODs shall prioritize the target folders based on the above analysis and any additional information developed locally. The aliens are NOT limited to those possessing final orders of removal and shall be prioritized as follows:

1. Aliens amenable to removal with prior aggravated drunk driving convictions.

2. Aliens amenable to removal with arrest records indicative of recidivist drunk driving.

3. Aliens amenable to removal with substance-impaired driving convictions.

4. Aliens previously convicted of drunk driving who may be prosecuted for a federal or local violation of law.

5. Aliens amenable to removal without criminal convictions, but who have been previously arrested for alcohol-related or drug-related driving offenses.

If at any time during the process targets are identified as imminent threats to national security or public safety, FODs will initiate immediate enforcement action on those targets.

Step 4 - Coordination with U.S. Attorneys and Law Enforcement Partners:

Upon completion of target prioritization, the FODs shall meet with their respective U.S. Attorneys, brief them on Operation Secure Streets, and seek prosecution as appropriate for those subjects targeted for criminal arrest. FOD offices shall contact federal, state and local law enforcement agencies to ensure coordination and cooperation of enforcement actions.

Step 5 - Enforcement Actions:

Following coordination and cooperation with partner law enforcement agencies, the FODs shall commence enforcement actions to apprehend aliens amenable for removal and\or for existing violations of law. These arrests will be made in the prioritized order listed in Step 3 and will serve as an opportunity to develop sources of information.

Information and intelligence developed during debriefing of gang members should be exploited and utilized for subsequent enforcement actions.

Taskings: All Department of Homeland Security Counterpart Offices

All FODs are directed to contact their respective counterpart at Office of Investigations (OI) and the Border Patrol Chiefs and Port Directors at Customs and Border Protection (GBP) to brief them on Operation Secure Streets, and to establish local protocols for FOD notification when an illegal alien drunken driver is encountered by OI or CBP.

Reporting Requirements:

Operation Secure Streets is expected to receive significant attention from Assistant Secretary Myers and ICE HQ is required to prepare a weekly update on its progress and success.

Therefore, the results of this operation shall be provided in the National Fugitive Operations Program Weekly Report, which is revised to allow for Operation Secure Streets reporting. In addition, all Operation Secure Streets activity shall be entered and captured in the operational field within the Fugitive Case Management System (FCMS).

It is essential that **all** FODs provide timely notification of **all** activity involving apprehensions conducted under the auspices of this operation. Advanced telephonic notification and an A/S Note stating impending enforcement activities relating to this operation shall be made by the Assistant Field Office Director (AFOD) or Deputy Field Office Director (DFOD) to Fugitive Operations Unit Chief at (202) 616-(b)(6), or Fugitive Operations Staff Officer (b)(6),(b)(7)(C) at (202) 616-(b)(6) **24 hours** prior to commencement of the activity. Upon completion of the enforcement action, the AFODYDFOD shall electronically notify Program Manager (b)(6),(b)(Special Assistant (b)(6),(b)(7)(C) (202) 616-(b)(6) of the results of the activity. This procedure is in addition to normal reporting requirements through the Significant Event Notification system and is required for all FOD offices.

When appropriate and warranted, FODs shall utilize their local public affairs officers to highlight the successes of Operation Secure Streets. In addition, FODs should utilize existing ICE Attaché offices to further enforcement actions or enhance coordination with foreign counterparts by coordinating with Tammy Cyr, acting Unit Chief of the Travel Document Unit.

Any comments or questions regarding Operation Secure Streets should be directed to Deputy Assistant Director (b)(6),(b)(7)(C) Compliance Enforcement Division, at (202) 616-(b)(6),

11064.1: Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities

Issue Date: August 23, 2013
Effective Date: August 23, 2013
Superseded: N/A

Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** U.S. Immigration and Customs Enforcement (ICE) is committed to intelligent, effective, safe and humane enforcement of the nation's immigration laws. ICE seeks to enforce immigration laws fairly and with respect for a parent's rights and responsibilities. This directive supplements existing ICE enforcement priority memoranda. This Directive establishes ICE policy and procedures to address the placement, monitoring, accommodation, and removal of certain alien parents. The Directive is particularly concerned with the placement, monitoring, accommodation, and removal of alien parents or legal guardians who are: 1) primary caretakers of minor children without regard to the dependent's citizenship; 2) parent and legal guardians who have a direct interest in family court proceeding involving a minor or child welfare proceedings in the United States; and 3) parents or legal guardians whose minor children are U.S. citizens (USCs) or lawful permanent residents (LPRs).

   This Directive is intended to complement the immigration enforcement priorities and prosecutorial discretion memoranda, as well as other related detention standards and policies that govern the intake, detention, and removal of alien parents. The security and safety of any ICE employee, detainee, ICE detention staff or member of the public will be paramount in the exercise of the procedures and requirements of this Directive.

2. **Policy.** ICE personnel should ensure that the agency's immigration enforcement activities do not unnecessarily disrupt the parental rights of both alien parents or legal guardians of minor children Particular attention should be paid to immigration enforcement activities involving: 1) parents or legal guardians who are primary caretakers; 2) parents or legal guardians who have a direct interest in family court or child welfare proceedings; 3) parents or legal guardians whose minor children are physically present in the United States and are USCs or LPRs. ICE will maintain a comprehensive process for identifying, placing, monitoring, accommodating, and removing alien parents or legal guardians of minor children while safeguarding their parental rights.

3. **Definitions.** The following definitions apply for the purposes of this Directive only.

3.1. **Custody.** The period of time during which a person has been arrested or detained by ICE under its civil immigration enforcement authorities, is physically present in an ICE-owned, -leased, or -contracted detention facility pursuant to such authorities, or is being transported by ICE or an ICE contractor (including for the purposes of removal from the United States) pursuant to such authorities. Custody ends when the person is released from ICE's physical confinement or restraint, including upon transfer to another agency.

3.2. **Initial Placement.** The first facility where an alien is detained by ICE.

3.3. **Parental Rights.** The fundamental rights of parents to make decisions concerning the care, custody, and control of their minor children without regard to the child's citizenship, as provided for and limited by applicable law. The rights of legal guardians of minor children to make decisions concerning those children as provided for and limited by applicable law.

3.4. **Family Court or Child Welfare Proceeding.** A proceeding in which a family or dependency court or child welfare agency adjudicates or enforces the rights of parents or minor children through determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or other legal obligations in the context of parental rights.

4. **Responsibilities.**

4.1. **Enforcement and Removal Operations (ERO) Field Office Directors (FODs)** and their staff or designees have responsibilities under Sections 5.1 through 5.7.

4.2. The **ERO Executive Associate Director (EAD)** has responsibilities under Section 5.8 and 5.9.

4.3. The **ERO Field Operations Division** has responsibilities under Section 5.7 (Facilitation of Return).

4.4. The **Parental Rights Coordinator** has responsibilities under Sections 5.1, 5.8, and 5.10 (Training).

4.5. The **Field Point of Contact (POC) for Parental Rights** in each ERO Field Office have responsibilities under Sections 5.1, 5.2, and 5.8 (Implementation through Collaboration and Information Sharing).

4.6. **ICE Office of Detention Policy and Planning (ODPP)** has responsibilities under Section 5.10 (Training).

5. **Procedures/Requirements.**

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000226

5.1. Field Points of Contact for Parental Rights ("Field POCs").

1) Each ERO FOD shall designate a specially trained coordinator at the supervisory level in his or her Field Office to serve as the Field POC for Parental Rights for his/her area of responsibility (AOR). These Field POCs will regularly communicate with the Parental Rights Coordinator (See 5.8) and report to ERO HQ on the progress of implementing this Directive. The Field POCs will also participate in all relevant training offered by HQ ERO on the subject of this Directive.

2) Each Field POC shall receive and address public inquiries related to the parental rights or family ties of detained alien parents or legal guardians of minor children. Careful consideration should be given to cases involving parents or legal guardians who are primary caretakers, those who have a direct interest in family court or child welfare proceedings, and those whose minor children are USCs or LPRs. Inquiries may be received from detained or non-detained aliens, their family members, attorneys or representatives, advocacy groups, state and local family courts, and/or child welfare services, among others.

3) Information regarding how to contact the Field POCs shall be posted and publicized at detention facilities within each AOR and on the ICE website. Information will be made available in multiple languages to the extent practicable.

5.2. Prosecutorial Discretion and Identification.

1) ***Prosecutorial Discretion.*** FODs shall continue to weigh whether an exercise of prosecutorial discretion may be warranted for a given alien and shall consider all relevant factors in this determination, including whether the alien is a parent or legal guardian of a USC or LPR minor, or is a primary caretaker of a minor. While the FODs may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible.

2) ***Identification.*** ICE may receive information that identifies an alien as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor at any time during the alien's arrest, processing or detention.

   If such information is sufficiently credible to confirm the alien's status as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, FODs should reevaluate any custody determination for the alien to the extent permitted by law and in accordance with existing ICE policy.

   Once a detained alien has been determined to be a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, the FOD or Field POC should also enter this information into (b)(7)(E)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000227

5.3. Initial Placement and Subsequent Transfers.

1) If the alien's child, children, or family court or child welfare proceedings are within the AOR of initial apprehension, the FOD shall refrain from making an initial placement or from subsequently transferring the alien outside of the AOR of apprehension, unless deemed necessary by the FOD for the reasons outlined in Section 5.2(3) of ICE Policy 11022.1, Detainee Transfers (January 4, 2012) ("Detainee Transfer Directive"). FODs shall also note any transfers outside the AOR in the updated Detainee Transfer Checklist (attached).

2) Further, and subject to detention space availability, the FOD will initially place the detained alien parent as close as practicable to the alien's child(ren) and/or to the location of the alien's family court or child welfare proceedings (if any).

5.4. Nature of the Individual's Participation in Family Court or Child Welfare Proceedings.

1) *In-person appearance* -- When a detained alien parent or legal guardian's presence is required to participate in family court or child welfare proceedings in order for him or her to maintain, or regain, custody of his or her child(ren) and:

   a) The detained alien parent or legal guardian or his or her attorney or other representative requests with reasonable notice an opportunity to participate in such hearings;

   b) The detained alien parent or legal guardian, or his or her attorney or other representative, has produced evidence of a family court or child welfare proceeding, including but not limited to, a notice of hearing, scheduling letter, court order, or other such documentation;

   c) The family court or child welfare proceedings are located within a reasonable driving distance of the detention facility where the detained alien parent or legal guardian is housed;

   d) Transportation and escort of the detained alien parent or legal guardian would not be unduly burdensome on Field Office operations; and

   e) Such transportation and/or escort of the detained alien parent or legal guardian to participate in family court or child welfare proceedings does not present security and/or public safety concerns,

The FOD shall arrange for the detained alien parent or legal guardian's in-person appearance at family court or child welfare proceedings, if practicable.

2) *Participation by video or standard teleconferencing* – If it is impracticable to transport the detained alien parent or legal guardian to appear in-person in a family

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000228

court or child welfare proceeding, due to distance or safety or security concerns, the FOD should work with both the detained alien parent or legal guardian and the family court or child welfare authority to identify alternative means for the detained alien parent or legal guardian to participate in the proceeding. For instance, if it is technologically feasible, and approved by the family court or child welfare authority, the FOD may facilitate a detained alien parent's or legal guardian's appearance or participation through video or standard teleconferencing from the detention facility or the Field Office.

In all cases, if the detained alien parent or legal guardian does not wish to attend and/or participate in a family court or child welfare proceeding, ICE will not interfere with the detained alien parent's or legal guardian's decision, which shall be documented in the detainee's A-File.

5.5. Visitation.

1) In some cases, parent-child visitation may be required by the family court or child welfare authority in order for a detained alien parent or legal guardian to maintain or regain custody of his or her minor child(ren). If a detained alien parent or legal guardian, or his or her family member, attorney, or other representative produces documentation (e.g. a reunification plan, scheduling letter, court order, or other such documentation) of such a requirement, FODs shall facilitate, to the extent practicable, the required visitation between the detained alien parent or legal guardian and his or her minor child(ren).[1]

   a) Such special visitation may include contact visitation, within the constraints of safety and security for both facility staff and detainees.

   b) These special arrangements shall not limit or otherwise adversely affect the detained alien parent or legal guardian's normal visitation rights under the relevant detention standards, or the safe and efficient operation of the detention facility.

2) While in-person visitation is preferred and should be made available whenever practicable, if it is technologically feasible and approved by the family court or child welfare authority, FODs may permit parent-child visitation through video or standard teleconferencing from the detention facility or the Field Office.

[1] Pursuant to ICE detention standards, at facilities where there is no provision for visits by minors, upon request, FODs shall arrange for a visit by children, stepchildren, and/or foster children within the first 30 days. After that time, upon request, ICE shall consider a request for transfer, when possible, to a facility that will allow such visitation. Upon request, FODs shall continue monthly visits, if transfer is not approved, or until an approved transfer can be effected. *See* NDS 2000 (Section H.2.d); PBNDS 2008 (Section H.2.d); PBNDS 2011 (Section I.2.b).

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000229

5.6. Coordinating Care or Travel of Minor Children Pending Removal of a Parent or Legal Guardian.

1) Where detained alien parents or legal guardians who maintain their parental rights are subject to a final order of removal and ICE is effectuating their removal, FODs or their appropriate designees should accommodate, to the extent practicable, the detained parent or legal guardian's individual efforts to make provisions for their minor children. Such provisions may include the parent or legal guardian's attempt to arrange guardianship for his/her minor children to remain in the United States, or to obtain travel documents for their child(ren) to accompany them to their country of removal.

2) FODs will coordinate, to the extent practicable, within their local detention facilities and within the Field Office to afford detained alien parents or legal guardians access to counsel, consulates and consular officials, courts and/or family members in the weeks preceding removal in order to execute signed documents (e.g., powers of attorney, passport applications, appointments of guardians or other permissions), purchase airline tickets, and make other necessary preparations prior to removal.

3) In addition, the FOD may, subject to security considerations, provide sufficient notice of the removal itinerary to the detainee or through the detained alien's attorney or other representative, so that coordinated travel arrangements may be made for the alien's minor child(ren).

5.7. Facilitation of Return.

1) If a lawfully removed alien (or his or her attorney, family member, consular official or other representative) provides to ICE verifiable evidence indicating that he or she has a hearing or hearings related to his or her termination of parental or legal guardianship rights before a family court or child welfare authority in the United States, and the court or child welfare authority has determined that the removed parent or legal guardian must be physically present, rather than participating via other means, ICE may, on a case-by-case basis, while taking into account security and public safety considerations, facilitate the return of the alien to the United States by grant of parole for the sole purpose of participation in the termination of parental rights proceedings.

2) ICE shall consider facilitating the return of a removed parent or legal guardian in compelling humanitarian cases. Aliens who are allowed to return must acknowledge in writing that they may be subject to additional safeguards, including but not limited to, detention, electronic monitoring or routine reporting requirements. Prior to being paroled back into the United States, alien parents or legal guardians must confirm, in writing: (i) that their sole purpose in traveling to the United States is to attend their termination of parental rights hearings; (ii) that the grant of parole can be terminated at any time; (iii) that they are not traveling to the United States in order to pursue immigration benefits or relief or protection from removal, or to otherwise circumvent

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000230

orderly visa and immigration processing; (iv) that they will depart the United States without delay following the conclusion of the final parental rights termination hearing for which they traveled to the United States; and (v) that they understand that if they do not depart the United States promptly upon the completion of such hearing, they may be subject to removal from the United States without further hearing as an arriving alien. Additionally, facilitation of return under this Directive will not relieve an alien of any ground of inadmissibility, deportability, or ineligibility for immigration benefits or relief or protection from removal.

3) The alien will be responsible for incurring all costs associated with returning to United States to participate in the termination of parental rights hearings; the alien will also incur all costs for departing the United States at the conclusion of the hearing.

4) Requests to facilitate return will be considered and accommodated on a case-by-case basis, taking into account security and public safety considerations and other relevant factors, such as whether the family court or relevant child welfare authority will permit the removed alien to participate through alternative means, e.g., through video or standard teleconferencing.

5.8. Implementation through Collaboration and Information Sharing.

1) The ERO EAD shall designate a Parental Rights Coordinator.

2) The Parental Rights Coordinator shall be responsible for:

a) Serving as the primary point of contact and subject matter expert for all FODs and Field POCs, regarding the parental rights of detained aliens.

b) With the assistance of relevant ERO divisions responsible for data collection and analysis, evaluating on an ongoing basis information collected from (b)(7)(E) Risk Classification Assessment (RCA) and other relevant ICE information technology systems regarding detained alien parents or legal guardians and sharing with FODs and Field POCs, on an ongoing basis, relevant information about detained alien parents and legal guardians within each AOR.

c) Assisting FODs and Field POCs in utilizing information about detained alien parents and legal guardians to help ensure compliance with this directive, including:

i. the appropriate exercise of prosecutorial discretion with respect to detained aliens who are determined to be the primary caretaker of a minor child, or who are determined to be the parent or legal guardian of a USC or LPR child;
ii. appropriate initial placement decisions and transfer decisions for detained alien parents or legal guardians;

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000231

iii. the appropriate provision of escorted trips to family court or child welfare proceedings for detained alien parents or legal guardians;
iv. appropriate visitation within ICE facilities; and
v. appropriate efforts, to the extent practicable, to allow a detained alien parent or legal guardian to make provisions for their minor children, including through increased access to counsel, consular officials, family and dependency courts, child welfare authorities personnel, and/or family members or friends in order to arrange guardianship, or to obtain travel documents or otherwise make necessary travel arrangements, for his or her children.

d) Coordinating as necessary with other relevant ERO program offices, FODs, state or local family court or child welfare authority personnel, consular officials and others to facilitate the timely response to issues or complaints relating to the parental rights of detained aliens received by ICE.

e) Working as necessary with relevant ICE program offices and consular officials to facilitate the return to the United States of certain lawfully removed aliens by grant of parole for the sole purpose of participation in the termination of parental rights proceedings.

3) To the extent practicable, the FODs and the Field POCs shall utilize information collected from (b)(7)(E) RCA, and other relevant ICE information technology systems regarding detained alien parents and legal guardians to perform the functions described in Section 5.8(2)(c) of this Directive.

5.9. Outreach.

1) With support from other relevant ICE program offices and in coordination with U.S. Department of Homeland Security (DHS) entities and the U.S. Department of Health and Human Services' Administration for Children and Families, the ERO EAD or his or her designee shall work with representatives of family and dependency courts and child welfare authorities to develop methods for improving communication and cooperation between the immigration enforcement, family or dependency court, and child welfare systems.

2) In cooperation with non-governmental organization stakeholders, the ERO EAD or his or her designee shall ensure the dissemination to all over-72-hour facility law libraries relevant resource guides, including materials prepared by non-governmental organizations and reviewed by ICE, regarding dependency proceedings and the intersection of these proceedings with immigration enforcement and detention.

5.10. Training.

1) The Parental Rights Coordinator, in consultation with relevant ICE and DHS program offices – to include other relevant ERO program offices, the ICE Office of Training

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000232

and Development, Office of Detention Policy and Planning, and the DHS Office for Civil Rights and Civil Liberties – shall develop training materials to assist FODs, Field POCs, and other relevant Field Office personnel in the implementation of this Directive.

2) Training shall cover, at a minimum, the means by which ICE officers and personnel will safeguard the parental rights of aliens they encounter – through identification, placement, monitoring, accommodation, and removal – while fulfilling their obligation to enforce the immigration laws.

6. **Recordkeeping.** None.

7. **Authorities/References.**

7.1. INA § 212(d)(5), 8 U.S.C. § 1182(d)(5).

7.2. 8 Code of Federal Regulations (CFR) §212.5

7.3. ICE Policy 10075.1, Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens (June 17, 2011).

7.4. ICE Policy 10072.1, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011).

7.5. 2011 Performance-Based National Detention Standard, "5.2 Trips for Non-medical Emergencies."

7.6. ICE Policy 11022.1, Detainee Transfers (January 4, 2012).

8. **Attachments.**

8.1. Detainee Transfer Checklist (updated).

9. **No Private Right.** Notwithstanding the provisions of this Directive, ICE retains its discretion to remove or detain any alien to the extent permitted by law, irrespective of an alien's pending family court or child welfare proceeding. These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

(b)(6),(b)(7)(C)

Acting Director
U.S. Immigration and Customs Enforcement

Policy Number: 16001.1
FEA Number: 045-01

Office of the Assistant Secretary

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

NOV 19 2009

MEMORANDUM FOR: Field Office Directors
Special Agents in Charge
Chief Counsels

FROM: John Morton
Assistant Secretary

SUBJECT: Superseding Guidance on Reporting and Investigating Claims to United States Citizenship

This memorandum supersedes the guidance issued on November 6, 2008, entitled "Superseding Guidance on Reporting and Investigating Claims to United States Citizenship." This guidance is intended to ensure claims to U.S. citizenship receive immediate and careful investigation and analysis.

While performing their duties, U.S. Immigration and Customs Enforcement (ICE) officers, agents, and attorneys, may encounter aliens who are not certain of their status or claim to be United States citizens (USC). As the Immigration and Nationality Act (INA) provides numerous avenues for a person to derive or acquire U.S. citizenship, ICE officers, agents, and attorneys, should handle these matters with the utmost care and highest priority. While some cases may be easily resolved, because of the complexity of citizenship and nationality law, many may require additional investigation and substantial legal analysis. As a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a USC. Consequently, investigations into an individual's claim to U.S. citizenship should be prioritized and Office of Investigations (OI) and Detention and Removal Operations (DRO) personnel must consult with the Office of the Principal Legal Advisor's (OPLA) local Office of the Chief Counsel (OCC) as discussed below.

Claims at the Time of Encounter

When officers and agents encounter an individual who they suspect is without lawful status but claims to be a USC, the situation will fall into one of three categories: 1) evidence indicates the person is a USC; 2) some evidence indicates that the individual may be a USC but is inconclusive; and 3) no probative evidence indicates the individual is a USC. If evidence indicates the individual is a USC, ICE should neither arrest nor place the individual in removal proceedings. Where there is *some* probative evidence that the individual is a USC, officers and agents should consult with their local OCC as soon as practicable. After evaluating the claim, if the evidence of U.S. citizenship outweighs evidence to the contrary, the individual should not be taken into custody. The person may, however, still be placed in removal proceedings if there is reason to believe the

individual is in the United States in violation of law. Finally, where no probative evidence of U.S. citizenship exists and there is reason to believe the individual is in the United States in violation of law, the individual may be arrested and processed for removal. In all cases, any uncertainty about whether the evidence is probative of U.S. citizenship should weigh against detention.

Claims by Individuals Subject to an NTA

Agents and officers must fully investigate the merits of any claim to citizenship made by an individual who is subject to a Notice to Appear (NTA), whether the claim was made before or after the NTA was served on the individual. Such investigations should be prioritized and OI and DRO personnel should consult with their local OCC as soon as practicable when investigating such claims. In addition, OI and DRO, along with their local OCC, must jointly prepare a memorandum examining the claim using the attached template. A notation should be made in the Enforce Alien Removal Module (EARM) and a copy of the memorandum should be placed in the alien's A-file. The memorandum should also be saved in the General Counsel Electronic Management System (GEMS) and notated using the designated GEMS barcode.

Claims by Detained Individuals

If an individual already in custody claims to be a USC, an officer must immediately examine the merits of the claim and notify and consult with his or her local OCC. If the individual is unrepresented, an officer must immediately provide the individual with the local Executive Office for Immigration Review (EOIR) list of pro bono legal service providers, even if one was previously provided.

DRO and OPLA must also jointly prepare and submit a memorandum examining the claim and recommending a course of action to the HQDRO Assistant Director for Operations at the "USC Claims DRO" e-mailbox and to the HQOPLA Director of Field Operations at the "OPLA Field Legal OPS" e-mailbox. Absent extraordinary circumstances, this memorandum should be submitted no more than 24 hours from the time the individual made the claim. HQDRO and HQOPLA will respond to the field with a decision on the recommendation within 24 hours. A notation should be made in EARM and a copy of the memorandum and resulting decision should be placed in the alien's A-file. The memorandum and resulting decision should also be saved in GEMS and notated using the designated GEMS barcode.

If the individual's claim is credible on its face, or if the investigation results in probative evidence that the detained individual is a USC, the individual should be released from detention. Any significant change in circumstances should be reported to the "USC Claims DRO" e-mailbox and the "OPLA Field Legal Ops" e-mailbox.

Examination of the Merits

Interviews with detainees making such claims must be conducted by an officer or agent in the presence of and/or in conjunction with a supervisor. Interviews will be recorded as sworn statements and must include all questions needed to complete all fields on a Record of Deportable

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000235

Alien, Form I-213. In addition, the sworn statement must include additional probative questions designed to elicit information sufficient to allow a thorough investigation of the person's claim of citizenship. Additional steps to be taken may include vital records searches, family interviews, and other appropriate investigative measures. Officers and agents should also work with their local United States Attorney's Office to ensure that any statement includes information sufficient to use in prosecuting appropriate cases under 18 U.S.C. § 911, should it ultimately come to light that the individual intentionally made a false claim to U.S. citizenship.

State and Local Officers with Authority under INA § 287(g)

Field Office Directors (FODs) and Special Agents in Charge (SACs) shall ensure that all state and local officers with delegated immigration authority pursuant to INA § 287(g) within their area of responsibility understand and adhere to this policy. FODs and SACs are expected to thoroughly investigate all USC claims made by individuals encountered by 287(g) designated officers.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000236

U.S. Department of Justice
Immigration and Naturalization Service

HQOPS 50/12.8

425 I Street NW
Washington, DC 20536

MAR -8 2002

MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Anthony S. Tangeman
Deputy Executive Associate Commissioner
Office of Detention and Removal

SUBJECT: National Fugitive Operations Program Implementation and Enhancement

This guidance supplements the memorandum issued by Michael A. Pearson, Executive Associate Commissioner, Office of Field Operations, relating to the National Fugitive Operations Program (NFOP).

Purpose:

This directive describes the distribution of forty law enforcement officer and support positions authorized and funded under the USA Patriot Act for the apprehension, processing and removal of fugitive aliens. It also provides initial policy guidance on the use of these positions.

Background:

In Mr. Pearson's memorandum, he directed Headquarters Detention and Removal Operations (HQDRO) to implement an NFOP. He further directed HQDRO to assume oversight for that program and to develop and issue a Standard Operating Procedure (SOP) for implementation at the national level. As stated in the memorandum, a successful and robust NFOP is a key component of the Immigration and Naturalization Service's (INS) contribution to the national security effort through the elimination of the fugitive case backlog and enhancement of our overall removal efforts. It must be one of the core fundamental enforcement activities of the INS.

In response to the terrorist attacks of September 11th, Congress passed landmark legislation in the form of the USA Patriot Act. The Act provided funding and positions for law enforcement agencies' roles in the war against terrorism.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000237

As part of that legislation the INS, and specifically DRO, was authorized an enhancement of forty positions solely for the purpose of apprehending fugitive aliens. HQDRO has decided that these positions will be distributed to seven specific district offices as described below.

Discussion:

The DRO program bears the primary responsibility for locating, apprehending and removing aliens in the United States in violation of immigration law who are defined as fugitives. A detailed SOP for nationwide implementation of the NFOP will be issued at a later date. All existing policies and procedures relating to other aspects of INS operations specific to the detention and removal of aliens not specifically addressed by this directive remain in effect.

The HQDRO program is responsible for developing, implementing and monitoring the NFOP at the national level. Within HQDRO, the Removals Division is charged with implementing the program and providing effective guidance to the field. They will also create a mechanism to maintain data relative to fugitive operations.

Action:

The districts assigned the forty positions provided by the USA Patriot Act are New York, Newark, Miami, Detroit, Chicago, San Francisco, and Los Angeles. The following chart provides the breakdown of the positions that are available for each district and the apprehension targets for Fiscal Year 2003. These seven districts are to proceed with advertising and selecting officers to fill these positions as quickly as possible. The district directors receiving the initial enhancement positions are to utilize those positions solely for NFOP pursuant to congressional mandate. This requirement, however, does not prohibit them from utilizing additional DRO personnel to increase the effectiveness of their local operation. The seven districts receiving the enhancement positions shall create a Fugitive Operations Section (FOS) for the purpose of implementing the NFOP. The forty positions deployed under the USA Patriot Act enhancements should account for an additional 1,000 criminal fugitive apprehensions and removals over and above the Fiscal Year 2003 goal for criminal removals.

Districts receiving these positions should fill the new positions with existing qualified staff and then backfill the vacated positions. Fugitive operations require the most experienced and capable DRO personnel. Personnel who have had prior training and experience in fugitive operations activities and are at the journeyman level are the best fit for these initial assignments. For planning purposes, deportation officers should expect to remain in these positions for two to three years. This does not preclude the district from announcing the position Service-wide should insufficient qualified personnel be available locally. Backfill positions should be announced at the GS-11/12 level in order to alleviate the adverse impact on ongoing operations. In addition to the positions, HQDRO will provide vehicles for supervisory and deportation officer assigned under the enhancements to the seven initial districts. Additional funding will

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000238

also be provided for other necessary equipment such as computers, cellular telephones, pagers, etc. Vehicles and equipment provided under this enhancement shall not be used for any purpose other than the direct support of the NFOP.

National Fugitive Operations Program						
Deployment Districts	Teams Deployed	SDO, GS-13	DO, GS-11/12	DEO, GS-7/8	Deportation Assistant, GS-7	First Year Apprehension Targets*
NYC	2	(b)(7)(E)				250
NEW	1					125
MIA	1					125
DET	1					125
CHI	1					125
SFR	1					125
LOS	1					125
TOTALS	**8**					**1,000**

* Criminal alien fugitives.

HQDRO has requested a new program element for Fugitive Operations. Once approved and implemented, this new program element will be used for Fugitive Operations activities including designation in POSTS, payroll, overtime, awards, other-than permanent positions and general expenses. Specific guidance will be provided once the new program element has been approved.

Regional offices are to task an existing deputy assistant regional director for DRO to act as an intermediary between the HQDRO and district fugitive operations personnel as a collateral duty. This intermediary shall coordinate all reporting and operational issues within their areas of responsibility and provide oversight consistent with current operational structure.

To accomplish the 10-year objective of eliminating the backlog of fugitive cases HQDRO has identified the priority in which fugitives should be targeted and are listed below. Fugitive aliens should be targeted for location and apprehension in the following order:

Priority I:

- Backlog criminal alien cases; (approximately 40,000 cases)
- From countries to which they can be expeditiously removed; and,
- A-Files currently located at the field offices.

Priority II:

- Backlog criminal alien cases; (approximately 40,000 cases)
- From countries to which they can be expeditiously removed; and,

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000239

- A-Files located at the National Record Center.

Priority III:

- Non-criminal backlog cases; (approximately 234,000)
- From countries to which they can be expeditiously removed; and,
- Cases on Orders of Supervision that are now removable.

Though districts should manage their enhancement resources to address these priorities, all targets of opportunity as well as new fugitive cases should be addressed as needed.

HQDRO will develop lists of Priority I fugitive cases for dissemination to the field based on information available through the Deportable Alien Control System (DACS). A-Files relating to these cases should be located at the district offices as soon as practical. Field offices should immediately assign and begin working to locate, apprehend and remove these cases.

All A-Files that cannot be located for whatever reason should be reported immediately to HQDRO Removal Operations Division which will initiate a Service wide search for them. Once located, they will be immediately forwarded to the appropriate field office for assignment.

The seven district offices receiving enhancement positions shall monitor all work conducted by their new fugitive teams to ensure that priority is given to the pursuit of cases that will ultimately lead to apprehension and removal.

While district offices not receiving enhancement positions are not required to designate DRO personnel solely to fugitive operations, they are expected to implement an effective and vigorous fugitive program within their respective jurisdictions consistent with those efforts of the districts receiving initial enhancements. Specific field guidance for nationwide implementation of the NFOP in the form of an SOP is currently being developed by HQDRO and will be forthcoming. This SOP will draw on the best practices from the field such as the recently promulgated *Western Region Fugitive Alien Apprehension Operations Guidance.*

Questions or concerns regarding to this memorandum may be directed to (b)(6),(b)(7)(C) or (b)(6),(b)(7)(C) in HQDRO Removal Operations Division via cc:mail or at (202) 305-

cc: District Directors
Office of Field Operations

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000240

Office of Detention and Removal Operations
U.S. Department of Homeland Security
4251 Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

DEC -1 2004

MEMORANDUM FOR: Field Office Director

FROM: (b)(6),(b)(7)(C)
Acting Director

(b)(6),(b)(7)(C)

SUBJECT: Use of Immigration Enforcement Agents in Fugitive Operations

Purpose

Identify proper utilization of Immigration Enforcement Agents in Fugitive Operations conducted under the auspices of the National Fugitive Operations Program (NFOP).

Background

The primary mission of NFOP is to identify, locate, and apprehend individuals identified as fugitives wanted by ICE with the highest priority placed on those fugitives who have been convicted of, or are being prosecuted for, crimes committed. Further, NFOP's goal is to eliminate the backlog of fugitives and ensure that the number of aliens deported equals the number of final orders of removal issued by the immigration courts in any given year. To accomplish this, teams were strategically deployed around the country to work solely on those cases identified as fugitives and attempt to locate and apprehend those persons who will ultimately be removed from the United States.

Currently, the NFOP has 18 teams in 16 locations. Each team consists of a Supervisory Deportation Officer (SDO), four Deportation Officers (DO), an Immigration Enforcement Agent (IEA) and a Deportation Assistant (DA). In Field Offices with multiple teams, support and supervisory duties are shared amongst the teams. Our strategic NFOP goal is to deploy a full team to each FOD.

While the IEA is an integral part of the team, the use of this position has varied greatly in the Field Offices. This memorandum sets national DRO policy on the use of an IEA on fugitive operations missions to ensure that the IEA is utilized within the parameters of their position description.

Policy

Effective immediately, Field Offices will ensure that IEA's are not used as a principal means of carrying out fugitive operations. Instead IEA's will act in a support function to those teams. IEA positions were deployed, and will continue to be deployed, as part of the NFOP with the intention of

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000241

supporting the fugitive operation. This does not preclude the use of IEA's for the NFOP mission. IEA's can continue to be used as a force multiplier in that they can respond to NCIC hits or callouts from correctional facilities and place detainers. They are not to be assigned a fugitive caseload or as a fugitive case officer, but can search national governmental databases in the development of leads, under the direction of the fugitive case officer. However, Field Office Directors should be aware that access to commercial databases is limited, with Deportation Officers given a priority in the issuance of passwords/access. Further, IEA's will not serve as the primary interviewer of subjects in the development of field leads. They may serve as a member of the principle apprehending team, but always in conjunction with the SDO or one of the DO's to ensure the continuity of the mandatory (b)(7) officer team concept. (The team makeup of an SDO, four DO's and an IEA was designed in that manner to ensure that (b)(7)(E) officer pairings would always be possible to maintain this concept.)

A good practice implemented by several offices, and one that I encourage, is the rotating of IEA's through the position assigned to the fugitive operations team. In this fashion, each IEA in the office will receive on-the-job training and experience in relation to fugitive operations while maintaining proficiency in other aspects of the IEA occupation, such as the Criminal Alien Program (CAP). This will also allow those IEA's, when not assigned to Fugitive Operations, to continue to perform overseas escorts. For the purpose of continuity, this rotation should be a minimum of four to six month periods.

Please ensure this policy is distributed to your fugitive operations teams and staff for immediate implementation. All questions and issues regarding this policy should be directed to (b)(6),(b)(7)(C) acting Chief, Human Capital Management, who can be reached at (202) 616 (b)(6) or to (b)(6),(b)(7)(C) Chief, Fugitive Operations Unit at (202) 353 (b)(6)

Office of Detention and Removal Operations

U.S. Department of Homeland Security
801 I Street NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field Operations

DEC 10 2004

FROM: (b)(6),(b)(7)(C)
Acting Director

(b)(6),(b)(7)(C)

SUBJECT: Addition of Chapter 19, Section 16 (Fugitive Operations Training Requirements) of the Detention and Deportation Officers Field Manual (DDFM)

The DDFM is changed to reflect the addition of Section 16, Chapter 19. Accordingly the DDFM is changed as follows:

19.16 Fugitive Operations Training Requirements

POLICY

Effective immediately, all National Fugitive Operations Program (NFOP) teams are required to receive training necessary to accomplish their mission. Each team has a two year window from the date of their creation, and for those currently in place from the date of the issuance of this policy, to complete the below listed required training

THE REQUIRED TRAINING IS AS FOLLOWS:

Basic Fugitive Operations Training Program (FOTP)	All Officers[1]
Basic First Aid and Cardio Pulmonary Resuscitation[2]	All Officers

Team supervisors are required to maintain the training records of each officer and are to ensure that each officer is qualified as required above. Team supervisors are also to ensure that officers are re-certified in Basic First Aid and Cardio Pulmonary Resuscitation in a timely manner. . . Furthermore, they are required to make sure training is updated in that particular officer's training record (currently using ONTRACK).

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[1] This includes supervisory deportation officers, deportation officers and immigration enforcement agents assigned as NFOP team members.

[2] Memorandum titled Basic First Aid and Cardio Pulmonary Resuscitation (CPR) Training of Fugitive Operations Team Members, dated December 3, 2003, remains in effect.

Team supervisors are encouraged to seek outside training with other law enforcement entities relating to the fugitive operation mission, however; all outside training must be approved by HQFOU.

PROCEDURE

FOTP training is coordinated through the Office of Detention and Removal Operations' (DRO) Division of the ICE Academy at the Federal law Enforcement Training Center. The ICE Academy will notify the field when they identify training vacancies. Correspondence concerning training can be made electronically through the FOTP mailbox at Program, FOTP.

Course Overview:

FOTP is the equivalent to basic fugitive operations training. DRO officers with extensive knowledge of fugitive operations as well as other subject matter experts (United States Marshals Service, etc.) were called upon to provide subject matter expertise and course content. This course will provide the DRO officer with the necessary tools to locate and apprehend fugitive aliens. A major focus of the course is to increase the participants' investigative skills through courses designed to teach effective utilization of the Internet, Agency databases, and other sources of information to locate where a fugitive lives, visits, and/or works. Students are encouraged to bring cases from their office to use in the practical exercise portion of the computer training. This will provide a sense of real-time investigative efforts and demonstrate the effectiveness and limitations on computer database searches.

Participants will work in teams in order to increase the realism of the training and aid in the development of these skills. There will be many opportunities for participants to share lessons learned with the class and in their teams. The course also provides participants with the opportunity to learn and practice surveillance techniques, vehicle stops, and apprehension procedures.

Students will be placed into Fugitive Operations Teams (FOT)[3] and given various practical assignments to accomplish. Each practical assignment will follow a course of instruction that will provide the student with the information needed to complete it. Each course and follow-on practical assignment will build on a previous block of instruction. At the end of the course, each team will have prepared themselves to locate and safely apprehend a specific target fugitive.

This training is not designed to provide 'SWAT tactical training but it is being continually reviewed and updated to prepare the officer to be able to perform the duties of a law enforcement officer in the field. For that reason officer safety is continually stressed. Graduates of this course will not be certified to perform any dynamic tactics. However, some of the officer tactics and survival skills that the student will be taught were refined by

[3] Complete FOTs from a Field Office will (to the greatest extent possible) be allowed to operate as a team.

police tactical units and are now standard courses of instruction in many basic police academies. Some of these subjects covered in the class are:

- (b)(7)(E)

These subjects, along with others, will require the student to perform and conduct operations as if he/she were in the field. Role players and instructors will present the students with challenges that cover the Use of Force Continuum. It will be up to the students to respond properly to each situation or scenario. While this is not a graded course, it will provide the student an adequate gauge of their individual skills and tactics. For permanent FOTs attending training it should also provide a gauge on their team skills and tactics.

Student Requirements

(b)(7)(E)

Students will be returned to their Field Offices for the following reasons:

- Refusal to perform or complete a course of instruction
- Failure to qualify with either handgun or shotgun
- Repeated firearms safety violations
- Demonstrated poor officer safety tactics following remedial training
- Medical conditions that preclude their full participation

Students may be subject to a Performance Review Board to determine their suitability to continue in training. Students who are returned may be allowed to attend the class again in the future upon request through the chain of command to the Chief, Headquarters Fugitive Operations Unit (HQFOU). Students who require remedial firearms training will require a certification from the field office Senior Firearms Instructor (SFI) that they have demonstrated the requisite proficiency in the area that originally gave them trouble.

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[4] Other officers assigned to FOD directed fugitive operational duties will be allocated slots once all NFOP team members are trained.

Consequently, students who participate in the FOTP are not automatically assured of a certificate of satisfactorily completion of the program. Students who are returned to their duty station after failing to successfully complete the program may face the possibility of being removed from the NFOP team to which they have been assigned and will be returned to the standard non-fugitive operational duties outlined in their primary position description.

Required Equipment:

(b)(7)(E)

[5] Tactical ballistic nylon equipment is authorized and highly recommended for use with tactical body armor carrier.

Final Note:

If you have any medical condition that might require special clearance, ensure that you bring a letter from your doctor documenting your ability to participate in the course. While there are no real strenuous exercises, there are several exercises that require moderate exertion.

Other Training:

Basic First Aid and Cardio Pulmonary Resuscitation (CPR) Training is coordinated and completed at the Field Office level. Training records are to be maintained by the supervisor with updates being recorded in (b)(7)(E) training database. As indicated in the Director's memorandum, dated December 3, 2003 regarding CPR training, once certified, Officers should be "re-certified yearly, or as required, thereafter."

Other training opportunities will be distributed to the field as they become available and HQFOU has determined they offer a benefit to the program. Field Offices are encouraged to forward training opportunities to HQFOU for review and approval, as appropriate. Outside training sessions conducted as workshops at conferences sponsored by the National Association of Fugitive Investigators (NAFI) are highly recommended. These conferences are extremely informative and provide an opportunity for individual officers to network with other fugitive officers from various agencies on a national basis.

Questions regarding training issues should be directed to the HQFOB via e-mail at HQDRO, FUGOPS.

cc: ICE Academy - Deportation Officer Training
Official file
NFTTU Director

Office of Detention and Removal Operations
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

AUG 15 2005

MEMORANDUM FOR: All Field Office Directors
ICE Academy

FROM: John P. Torres
Acting Director

SUBJECT: Addition to Section 5, Chapter 19 (Field Operations and Tactics) of the Detention and Deportation Officer's Field Manual (DDFM) – **Use of Ruses During Arrest Operations**

Purpose

This memorandum announces an immediate addition to Section 5, Chapter 19 of the DDFM.

Action

Field Office Directors will ensure that all personnel who conduct enforcement operations within their area of responsibility are aware of this addition. The ICE Academy will ensure that future students of the Fugitive Operations Training Program (FOTP) as well as all other DRO structured courses are made aware of this addition. A revised Section 5 will be issued in the near future.

This addition will be inserted in paragraph V. (Arrest Locations) just before the section labeled **'Fugitives Encountered in Vehicles'**:

Use of Ruses During Arrest Operations

The USMS, FBI and various other federal, state and local agencies have successfully used *'ruses'* to lure targets to locations where the arrests were made with the least amount of danger to both the officers and targets. The use of a ruse during an arrest means that we control the time and location, not the target. The use of ruses is taught in the FOTP at FLETC.

Ruses can run the gamut from announcing that you are with DRO and looking for a person other than the target to adopting the guise of another agency (federal, state or local) or that of a private entity. When using the name of another agency or that of a private entity to cover the operation, the Team Leader will contact that agency or entity. The initial point of contact with the proposed cover agency or entity should be the local agency head or the local chief of security of the private entity. A memorandum to the file should be prepared to document these discussions.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000248

The purpose of the contact is to ensure that the agency or entity's name who we wish to use as a cover has an opportunity to raise concerns about how our use of their name will affect their public image or raise security concerns for their employees. Private entities can be particularly sensitive to the use of their name in law enforcement operations.

If the affected agency or entity has concerns with the use of the ruse, contact the Headquarters Fugitive Operations Unit. The HQ/FOU will weigh the affected agency or entity's equities and concerns against the well-known and inherent advantages that a ruse offers. It is our intention to use whatever means available to ensure that officer, target and innocent third party safety is not compromised.

Any questions regarding this policy should be directed to (b)(6),(b)(7)(C) Chief, Headquarters Fugitive Operations Unit at (202)353(b)(6),

Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

JAN 31 2006

MEMORANDUM FOR: All Field Office Directors

FROM: John P. Torres
Acting Director

SUBJECT: Fugitive Operations Case Priority and Annual Goals

Purpose

This memorandum supersedes the memorandum issued by Anthony S. Tangeman, dated January 22, 2004 that required that no less than seventy-five percent of all fugitive operation targets be classified as criminal aliens. Effective immediately, fugitive cases worked by the Fugitive Operations (FUGOPS) teams will be prioritized by threats posed by the fugitive alien. This memorandum also establishes a new target goal of 1,000 fugitive apprehensions/cases closed per FUGOPS team.

Discussion

The Office of Detention and Removal Operations (DRO) is responsible for apprehending and removing fugitive aliens from the United States. Apprehending fugitive criminal alien cases has always been, and will continue to be, one of the highest priorities for FUGOPS teams.

Policy

To further the enforcement mission of U.S. Immigration and Customs Enforcement, the FUGOPS teams will prioritize their fugitive cases according to the following standards:

I. Fugitives that pose a threat to national security
II. Fugitives that pose a threat to the community
III. Fugitives convicted of violent crimes
IV. Fugitives with criminal records
V. Fugitives that are non-criminals

There will be no percentage quota for the types of cases to be worked. Fugitive cases at all priority levels are to be worked by the FUGOPS teams, but the higher priority cases take precedence.

HQDRO will work with Field Office Directors in identifying and implementing initiatives involving fugitive alien cases.

Additionally, the new annual target goal is 1,000 fugitive apprehensions/cases closed per FUGOPS team. Realizing that FUGOPS will make numerous collateral arrests of aliens in pursuing targeted fugitives, the collateral apprehensions will not count toward the target goal.

A policy directive regarding the memorandum will be forthcoming.

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Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Field Office Directors AUG 3 2006

FROM: John P. Torres
Acting Director

SUBJECT: **Operation Secure Streets – Directive and Guidance**

This Memorandum serves to provide directive and guidance for Operation Secure Streets, an operation developed to address illegal aliens convicted of violations of local driving under the influence laws in your respective areas of responsibility (AORs).

The 23 Field Office Director (FOD) offices shall conduct threat assessments to identify the scope of the problem in their AORs. The Headquarters Detention and Removal Operations (HQDRO) Compliance Enforcement Division (CED) will coordinate with the FODs to develop a five-step process for implementation of Operation Secure Streets, to ensure uniformity and consistency in identifying and prioritizing targets and establish coordination between ICE DRO and other law enforcement agencies.

The Five-Step process, explained in detail below, will be used to identify threats and obtain intelligence, analyze/exploit intelligence, prioritize targets and coordinate with U.S. Attorneys and law enforcement partners, to commence enforcement actions against illegal aliens convicted of violating the drunken driving laws in your AOR.

Step 1 - Identify Threats and Obtain Intelligence:

Effective immediately, FOD Offices shall contact all local law enforcement, probation and parole offices within their AOR to obtain electronic lists of foreign born persons convicted of drunk driving offenses. These lists shall then be forwarded to the Law Enforcement Support Center (LESC) and the Fugitive Operations Support Center (FOSC) for assessment.

Step 2 - Analyze/Exploit Intelligence:

The Fugitive Operations Unit (Fug Ops) within the HQCED shall coordinate the simultaneous collection of the data described in Step 1 with LESC and FOSC. FOSC exploits the data for potential commercial database leads and establishes links and relationships within the data. The LESC runs the data against various ICE and commercial databases in order to identify potential violations under ICE's jurisdiction. The FOSC and LESC work product shall be analyzed and packaged as target folders.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000251

Step 3 - Prioritize Targets:

As target folders are completed, Fug Ops will forward them to the respective FODs for action. The FODs shall prioritize the target folders based on the above analysis and any additional information developed locally. The aliens are NOT limited to those possessing final orders of removal and shall be prioritized as follows:

1. Aliens amenable to removal with prior aggravated drunk driving convictions.

2. Aliens amenable to removal with arrest records indicative of recidivist drunk driving.

3. Aliens amenable to removal with substance-impaired driving convictions.

4. Aliens previously convicted of drunk driving who may be prosecuted for a federal or local violation of law.

5. Aliens amenable to removal without criminal convictions, but who have been previously arrested for alcohol-related or drug-related driving offenses.

If at any time during the process targets are identified as imminent threats to national security or public safety, FODs will initiate immediate enforcement action on those targets.

Step 4 - Coordination with U.S. Attorneys and Law Enforcement Partners:

Upon completion of target prioritization, the FODs shall meet with their respective U.S. Attorneys, brief them on Operation Secure Streets, and seek prosecution as appropriate for those subjects targeted for criminal arrest. FOD offices shall contact federal, state and local law enforcement agencies to ensure coordination and cooperation of enforcement actions.

Step 5 - Enforcement Actions:

Following coordination and cooperation with partner law enforcement agencies, the FODs shall commence enforcement actions to apprehend aliens amenable for removal and\or for existing violations of law. These arrests will be made in the prioritized order listed in Step 3 and will serve as an opportunity to develop sources of information.

Information and intelligence developed during debriefing of gang members should be exploited and utilized for subsequent enforcement actions.

Taskings: All Department of Homeland Security Counterpart Offices

All FODs are directed to contact their respective counterpart at Office of Investigations (OI) and the Border Patrol Chiefs and Port Directors at Customs and Border Protection (GBP) to brief them on Operation Secure Streets, and to establish local protocols for FOD notification when an illegal alien drunken driver is encountered by OI or CBP.

Reporting Requirements:

Operation Secure Streets is expected to receive significant attention from Assistant Secretary Myers and ICE HQ is required to prepare a weekly update on its progress and success.

Therefore, the results of this operation shall be provided in the National Fugitive Operations Program Weekly Report, which is revised to allow for Operation Secure Streets reporting. In addition, all Operation Secure Streets activity shall be entered and captured in the operational field within the Fugitive Case Management System (FCMS).

It is essential that **all** FODs provide timely notification of **all** activity involving apprehensions conducted under the auspices of this operation. Advanced telephonic notification and an A/S Note stating impending enforcement activities relating to this operation shall be made by the Assistant Field Office Director (AFOD) or Deputy Field Office Director (DFOD) to Fugitive Operations Unit Chief at (202) 616-(b)(6) or Fugitive Operations Staff Officer (b)(6),(b)(7)(C) at (202) 616-(b)(6) **24 hours** prior to commencement of the activity. Upon completion of the enforcement action, the AFODYDFOD shall electronically notify Program Manage (b)(6),(b)(7 Special Assistant (b)(6),(b)(7)(C) (202) 616-(b)(6) of the results of the activity. This procedure is in addition to normal reporting requirements through the Significant Event Notification system and is required for all FOD offices.

When appropriate and warranted, FODs shall utilize their local public affairs officers to highlight the successes of Operation Secure Streets. In addition, FODs should utilize existing ICE Attaché offices to further enforcement actions or enhance coordination with foreign counterparts by coordinating with (b)(6),(b)(7)(acting Unit Chief of the Travel Document Unit.

Any comments or questions regarding Operation Secure Streets should be directed to Deputy Assistant Directo (b)(6),(b)(7)(C) Compliance Enforcement Division, at (202) 616-(b)(6),

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

SEP 29 2006

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors

FROM: John P. Torres
Acting Director

SUBJECT: Fugitive Case Management System Reporting and the 1,000 Arrests Annual Goal for Fugitive Operations Teams

Purpose

This memorandum sets forth Office of Detention and Removal Operations (DRO) requirements for Field Office recordkeeping under the Fugitive Case Management System. It also clarifies the existing Field Office Fugitive Operation Team average annual goal of 1,000 fugitive alien cases per team.

Discussion

In order to accurately track the NFOP's efforts to reduce the fugitive alien population in the United States, DRO began development of a comprehensive fugitive alien tracking system in April 2005. That system, which became operational in August 2006, is known as the Fugitive Case Management System (FCMS). This new system will serve as a critical tool for DRO statistical tracking in furtherance of the ICE and Department of Homeland Security mission.

In light of the recent FCMS rollout and expanded NFOP operational capability, it is more important than ever that Field Offices accurately track their Fugitive Operations Teams' performance and that NFOP resources be focused on the arrest of fugitive aliens. To this end, each Field Office should now set its Fugitive Operations Team average, annual, per-team production target at 1,000 fugitive alien arrests. Furthermore, in meeting this goal, each Field Office is now required to differentiate between arrests and other actions resulting in the resolution of fugitive alien cases, such as discovering that a fugitive alien has already departed the United States or attained lawful immigration status. Each of these requirements is explained in further detail below.

The 1,000 Fugitive Alien Arrest Target

Efforts to reduce the fugitive alien population, including administrative efforts to close cases, are important and often resource-intensive. Fugitive Operations Team resources must remain

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000254

focused on arresting fugitive aliens. Thus, the prior guidance issued by this office on January 31, 2006 (attached as Appendix B), which established a target goal of 1,000 "fugitive apprehensions/cases closed" per Fugitive Operations Team, is hereby superseded. Effective for Fiscal Year 2007, each Field Office should seek to achieve a goal of at least 1,000 arrests per team. An arrest is the restraint and seizure of a person by an officer acting under authority of the Immigration and Nationality Act (INA) for the purpose of executing a warrant or charging the person with violations of the INA; it is conducted in such a manner that it is reasonable under the circumstances for the person to believe that he or she is not free to leave. For instance, a Field Office with three teams will need to work toward the goal of arresting at least 3,000 fugitive aliens. If the three teams collectively apprehend more than 3,000 such individuals, the Field Office will have met this goal, even if one of the three teams apprehends fewer than 1,000.

Other efforts are already underway to assist Field Offices in achieving this goal and reducing the fugitive alien population on other fronts. For example, the Fugitive Operations Support Center (FOSC) in Burlington, Vermont will begin an extensive electronic review of fugitive cases in the next few months. The FOSC will close appropriate cases and provide comprehensive leads to the Field Offices on many others, facilitating efforts to meet the goal of 1,000 arrests. As a component of the NFOP, the goal established for FOSC is to eliminate 26,000 cases from the fugitive population each fiscal year. In addition, two months ago, ICE established the Detention Operations Coordination Center (DOCC), which provides nationwide management of DRO detention assets. The DOCC will support Field Offices' efforts to meet their arrest goals by coordinating DRO assets nationwide to ensure the maximum availability of detention space for fugitive arrest operations.

Finally, two important caveats exist in calculating Field Offices' success in reaching the goal of 1,000 arrests. First, non-fugitive arrests may now be included in that total, but only where these arrests are made as part of a DRO Headquarters-approved operation. However, each Field Office must nevertheless average at least 500 fugitive arrests per Fugitive Operations Team. For instance, a Field Office with three teams that collectively apprehend 1,000 fugitive aliens and 2,000 non-fugitives during Headquarters-approved operations over the course of the Fiscal Year would not have met its goal. Second, Fugitive Operations Teams must continue to prioritize fugitive arrest activity under the standards set forth in the January 31, 2006 memorandum referenced above and attached as Appendix B.

Use of FCMS to Accurately Track NFOP Cases

In light of this clarified goal for DRO Field Office fugitive operations and the considerable public interest in ICE's efforts to reduce the fugitive alien population, it is absolutely crucial that cases are properly categorized in FCMS. Data entered into this system will serve as the basis for determining whether a Field Office has met its annual arrest target and for reporting on ICE's fugitive alien efforts to Department of Homeland Security management, Congress, and other stakeholders.

For these reasons, when entering fugitive information into FCMS, Field Offices must ensure that the data is entered correctly. Under the "Arrest" tab in FCMS, a drop-down menu provides the

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000255

appropriate "Action" options for categorizing fugitive operations activity. These options include "Arrest," "Located/Detainer (I-247-Lodged)," "Case Category Changed," and "Case Closure." Field Office Fugitive Operation Team personnel are responsible for identifying the correct activity option when entering case information into FCMS. A detailed explanation of these "Action" categories is provided in Appendix A.

On October 1, 2006, DRO will begin issuing a new weekly report detailing NFOP activity. This report will contain a national and Field Office-by-Field Office breakdown of cases based on FCMS "Action" type.

If you have any questions concerning the guidance set forth in this memorandum, please contact (b)(6),(b)(7)(C) Deputy Assistant Director, Compliance Enforcement Division, at (202) 616 (b)(6)

Attachments (2)

Fugitive Case Management System "Arrest" Section Actions

When entering activity into the "Arrest" section of FCMS, DRO Field Office personnel must choose the appropriate option from the "Action" drop-down menu. An explanation of the meaning of each "Action" option follows:

- Arrest: Select "Arrest" from the "Action" drop-down menu if Fugitive Operations Team personnel took an individual into custody as a result of a "hands-on" arrest.

- Located/Detainer (I-247 Lodged): Select "Located/Detainer (I-247 Lodged)" from the "Action" drop-down menu if Fugitive Operations Team personnel locate and place a detainer on an individual detained by another agency, including the Bureau of Prisons, and State, county, or local law enforcement agencies or Departments of Corrections

- Case Category Changed: Select "Case Category Changed" from the "Action" drop-down menu if the individual's category has changed from a fugitive status of 5B, 8E or 8I to another category in the DRO Deportable Alien Control System (DACS). Information explaining the nature and basis of the category change must be entered into the "Case Comments" section of the "Arrest" section.

- Case Closure: Select "Case Closure – Self Removal," "Case Closure – Deceased," "Case Closure – Benefits REC'D," or "Case Closure – Removed" from the "Action" drop-down menu if Fugitive Operations Team personnel determines that the alien is no longer a fugitive and that the DACS case has been closed for one of these reasons (i.e., self-removal, death, or receipt of an immigration benefit).

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

JAN 3 1 2006

MEMORANDUM FOR: All Field Office Directors

FROM: John P. Torres
Acting Director

SUBJECT: Fugitive Operations Case Priority and Annual Goals

Purpose

This memorandum supersedes the memorandum issued by Anthony S. Tangeman, dated January 22, 2004 that required that no less than seventy-five percent of all fugitive operation targets be classified as criminal aliens. Effective immediately, fugitive cases worked by the Fugitive Operations (FUGOPS) teams will be prioritized by threats posed by the fugitive alien. This memorandum also establishes a new target goal of 1,000 fugitive apprehensions/cases closed per FUGOPS team.

Discussion

The Office of Detention and Removal Operations (DRO) is responsible for apprehending and removing fugitive aliens from the United States. Apprehending fugitive criminal alien cases has always been, and will continue to be, one of the highest priorities for FUGOPS teams.

Policy

To further the enforcement mission of U.S. Immigration and Customs Enforcement, the FUGOPS teams will prioritize their fugitive cases according to the following standards:

I. Fugitives that pose a threat to national security
II. Fugitives that pose a threat to the community
III. Fugitives convicted of violent crimes
IV. Fugitives with criminal records
V. Fugitives that are non-criminals

There will be no percentage quota for the types of cases to be worked. Fugitive cases at all priority levels are to be worked by the FUGOPS teams, but the higher priority cases take precedence.

HQDRO will work with Field Office Directors in identifying and implementing initiatives involving fugitive alien cases.

Additionally, the new annual target goal is 1,000 fugitive apprehensions/cases closed per FUGOPS team. Realizing that FUGOPS will make numerous collateral arrests of aliens in pursuing targeted fugitives, the collateral apprehensions will not count toward the target goal.

A policy directive regarding the memorandum will be forthcoming.

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Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors
Deputy Field Office Directors

JUN 16 2008

FROM: Gary E. Mead
Acting Director

SUBJECT: Utilization of DRO Assets to Conduct Fugitive Operations

Purpose

This memorandum supplements the guidance provided in the April 4. 2007 policy memorandum entitled, "Utilization of Fugitive Operations Team Members," which outlined the appropriate use of Fugitive Operations Team (FOT) Members.

Discussion

As a whole, the Department of Homeland Security (DI IS) has committed significant resources to preventing aliens from illegally entering the United States. In addition, considerable resources have also been dedicated to arresting immigration law violators within the interior of the country. It is DRO's responsibility to meet its current mission goals by using its assets in the most efficient and effective manner.

Pursuant to the September 29, 2006, memorandum entitled, "Fugitive Case Management System Reporting and the 1,000 Arrest Annual Goal for Fugitive Operations Teams (FOT)," *all* Field Offices are seeking to achieve a Field Office Area of Operational Responsibility goal of 1.000 arrests per FOT (each year). Due, in part, to the large success of DRO FOTs and the national recognition they have gained, the fugitive alien population has become more aware of our enforcement operations. This, in turn, has created new challenges to the KOT's effectiveness as fugitives and their advocates try to frustrate our efforts

To further strengthen and add flexibility to our enforcement efforts, FOTs must incorporate proven "best practices." One specific "best practice" is for FOTs to conduct more targeted enforcement operations outside of normal business hours, for example, nights, weekends and holidays. Alternate work schedules should be incorporated at least one to two weeks per month.

FODs should make sure that DRO officers/agents in non-FOT positions are assisting the FOTs in ease development and surveillance. This force multiplier will provide significant support in the mission to identify, locate, and arrest ICE fugitives; further reducing the fugitive alien population by increasing the number of fugitive alien arrests.

Attachment

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000259

Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All Field Office Directors APR 04 2007

FROM: John P. Torres

SUBJECT: Clarification of Utilization of Fugitive Operations Team Member

Purpose

This memorandum enhances the guidance provided in the December 3, 2003 policy memorandum entitled "Utilization of Fugitive Operations Team Members" regarding the appropriate use of Fugitive Operations Team members.

Discussion

Field Office Directors (FODs) must ensure that positions funded for fugitive operations are utilized towards aggressively pursuing the primary mission of the National Fugitive Operations Program (NFOP); identifying, locating, arresting and removing fugitive aliens so as to reduce the fugitive alien population in the U.S. In order to further the NFOP mission, FODs must limit the collateral assignments assigned to Fugitive Operations Team (FOT) members.

However, as ICE must ensure that the Department of Homeland Security's primary mission of protecting the borders and preventing future terrorist attacks is accomplished; ICE/DRO field offices are responsible for effectively utilizing and allocating all of its resources, to include the use of Fugitive Operations Teams for non-fugitive operations assignments. The FOTs, although primarily called upon to reduce the fugitive alien population, are also available to assist, when necessary, in ensuring the overall effective implementation of ICE missions and responsibilities. Therefore, in the interest of national security, FODs may allocate needed resources, to include TOTs. in order to accommodate a fluid, national agenda or to meet existing circumstances.

Please ensure that this guidance is acted upon immediately and disseminated to all Field Office personnel. If you have any questions, please contac (b)(6),(b)(7)(Deputy Assistant Director, Compliance Enforcement Division, at 202-616 (b)(6),

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Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Field Office Directors

SEP 29 2006

FROM: John P. Torres
Acting Director

SUBJECT: Fugitive Case Management System Reporting and the 1,000 Arrests Annual Goal for Fugitive Operations Teams

Purpose

This memorandum sets forth Office of Detention and Removal Operations (DRO) requirements for Field Office recordkeeping under the Fugitive Case Management System. It also clarifies the existing Field Office Fugitive Operation Team average annual goal of 1,000 fugitive alien cases per team.

Discussion

In order to accurately track the NFOP's efforts to reduce the fugitive alien population in the United States, DRO began development of a comprehensive fugitive alien tracking system in April 2005. That system, which became operational in August 2006, is known as the Fugitive Case Management System (FCMS). This new system will serve as a critical tool for DRO statistical tracking in furtherance of the ICE and Department of Homeland Security mission.

In light of the recent FCMS rollout and expanded NFOP operational capability, it is more important than ever that Field Offices accurately track their Fugitive Operations Teams' performance and that NFOP resources be focused on the arrest of fugitive aliens. To this end, each Field Office should now set its Fugitive Operations Team average, annual, per-team production target at 1,000 fugitive alien arrests. Furthermore, in meeting this goal, each Field Office is now required to differentiate between arrests and other actions resulting in the resolution of fugitive alien cases, such as discovering that a fugitive alien has already departed the United States or attained lawful immigration status. Each of these requirements is explained in further detail below.

The 1,000 Fugitive Alien Arrest Target

Efforts to reduce the fugitive alien population, including administrative efforts to close cases, are important and often resource-intensive. Fugitive Operations Team resources must remain

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focused on arresting fugitive aliens. Thus, the prior guidance issued by this office on January 31, 2006 (attached as Appendix B), which established a target goal of 1,000 "fugitive apprehensions/cases closed" per Fugitive Operations Team, is hereby superseded. Effective for Fiscal Year 2007, each Field Office should seek to achieve a goal of at least 1,000 arrests per team. An arrest is the restraint and seizure of a person by an officer acting under authority of the Immigration and Nationality Act (IN A) for the purpose of executing a warrant or charging the person with violations of the INA; it is conducted in such a manner that it is reasonable under the circumstances for the person to believe that he or she is not free to leave. For instance, a Field Office with three teams will need to work toward the goal of arresting at least 3,000 fugitive aliens. If the three teams collectively apprehend more than 3,000 such individuals, the Field Office will have met this goal, even if one of the three teams apprehends fewer than 1,000.

Other efforts are already underway to assist Field Offices in achieving this goal and reducing the fugitive alien population on other fronts. For example, the Fugitive Operations Support Center (FOSC) in Burlington, Vermont will begin an extensive electronic review of fugitive cases in the next few months. The FOSC will close appropriate cases and provide comprehensive leads to the Field Offices on many others, facilitating efforts to meet the goal of 1,000 arrests. As a component of the NFOP, the goal established for FOSC is to eliminate 26,000 cases from the fugitive population each fiscal year. In addition, two months ago, ICE established the Detention Operations Coordination Center (DOCC), which provides nationwide management of DRO detention assets. The DOCC will support Field Offices' efforts to meet their arrest goals by coordinating DRO assets nationwide to ensure the maximum availability of detention space for fugitive arrest operations.

Finally, two important caveats exist in calculating Field Offices' success in reaching the goal of 1,000 arrests. First, non-fugitive arrests may now be included in that total, but only where these arrests are made as part of a DRO Headquarters-approved operation. However, each Field Office must nevertheless average at least 500 fugitive arrests per Fugitive Operations Team. For instance, a Field Office with three teams that collectively apprehend 1,000 fugitive aliens and 2,000 non-fugitives during Headquarters-approved operations over the course of the Fiscal Year would not have met its goal. Second, Fugitive Operations Teams must continue to prioritize fugitive arrest activity under the standards set forth in the January 31, 2006 memorandum referenced above and attached as Appendix B.

Use of FCMS to Accurately Track NFOP Cases

In light of this clarified goal for DRO Field Office fugitive operations and the considerable public interest in ICE's efforts to reduce the fugitive alien population, it is absolutely crucial that cases are properly categorized in FCMS. Data entered into this system will serve as the basis for determining whether a Field Office has met its annual arrest target and for reporting on ICE's fugitive alien efforts to Department of Homeland Security management, Congress, and other stakeholders.

For these reasons, when entering fugitive information into FCMS, Field Offices must ensure that the data is entered correctly. Under the "Arrest" tab in FCMS, a drop-down menu provides the

appropriate "Action" options for categorizing fugitive operations activity. These options include "Arrest," "Located/Detainer (I-247-Lodged)," ""Case Category Changed," and "Case Closure." Field Office Fugitive Operation Team personnel are responsible for identifying the correct activity option when entering case information into FCMS. A detailed explanation of these "Action" categories is provided in Appendix A.

On October 1, 2006, DRO will begin issuing a new weekly report detailing NFOP activity. This report will contain a national and Field Office-by-Field Office breakdown of cases based on FCMS "Action" type.

If you have any questions concerning the guidance set forth in this memorandum, please contact (b)(6),(b)(7)(C) Deputy Assistant Director, Compliance Enforcement Division, at (202) 616-(b)(6),(b)

Attachments (2)

Appendix A

Fugitive Case Management System "Arrest" Section Actions

When entering activity into the "Arrest" section of FCMS, DRO Field Office personnel must choose the appropriate option from the "Action" drop-down menu. An explanation of the meaning of each "Action" option follows:

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- Located/Detainer (I-247 Lodged): Select "Located/Detainer (I-247 Lodged)" from the "Action" drop-down menu if Fugitive Operations Team personnel locate and place a detainer on an individual detained by another agency, including the Bureau of Prisons, and State, county, or local law enforcement agencies or Departments of Corrections

- Case Category Changed: Select "Case Category Changed" from the "Action" drop-down menu if the individual's category has changed from a fugitive status of 5B, 8E or 81 to another category in the DRO Deportable Alien Control System (DACS). Information explaining the nature and basis of the category change must be entered into the "Case Comments" section of the "Arrest" section.

- Case Closure: Select "Case Closure - Self Removal," "Case Closure - Deceased," "Case Closure - Benefits REC'D," or "Case Closure - Removed" from the "Action" drop-down menu if, Fugitive Operations Team personnel determines that the alien is no longer a fugitive and that the DACS case has been closed for one of these reasons (i.e., self-removal, death, or receipt of an immigration benefit).

Appendix B

Office of Detention and Removal Operations

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

JAN 31 2006

MEMORANDUM FOR: All Field Office Directors

FROM: John P. Torres
Acting Director

SUBJECT: Fugitive Operation Case Priority and Annual Goals

Purpose

This memorandum supersedes the memorandum issued by Anthony S. Tangeman, dated January 22, 2004 that required that no less than seventy-five percent of all fugitive operation targets be classified as criminal aliens. Effective immediately, fugitive cases worked by the Fugitive Operations (FUGOPS) teams will be prioritized by threats posed by the fugitive alien. This memorandum also establishes a new target goal of 1,000 fugitive apprehensions/cases closed per FUGOPS team.

Discussion

The Office of Detention and Removal Operations (DRO) is responsible for apprehending and removing fugitive aliens from the United States. Apprehending fugitive criminal alien cases has always been, and will continue to be, one of the highest priorities for FUGOPS teams.

Policy

To further the enforcement mission of U.S. Immigration and Customs Enforcement, the FUGOPS teams will prioritize their fugitive cases according to the following standards:

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There will be no percentage quota for the types of cases to be worked. Fugitive cases at all priority levels are to be worked by the FUGOPS teams, but the higher priority cases take precedence.

HQDRO will work with Field Office Directors in identifying and implementing initiatives involving fugitive alien cases.

Additionally, the new annual target goal is 1,000 fugitive apprehensions/cases closed per FUGOPS team. Realizing that FUGOPS will make numerous collateral arrests of aliens in pursuing targeted fugitives, the collateral apprehensions will not count toward the target goal.

A policy directive regarding the memorandum will be forthcoming.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000265

Office of the Assistant Secretary

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

July 3, 2008

MEMORANDUM FOR: All Field Office Directors
All Special Agents in Charge

FROM: Julie L. Myers
Julie L. Myers
Assistant Secretary

SUBJECT: Field Guidance on Enforcement Actions or Investigative Activities At or Near Sensitive Community Locations

ICE personnel should refrain from conducting enforcement actions or investigative activities at or near sensitive community locations such as schools, places of worship, and funerals or other religious ceremonies, except in limited circumstances as set forth within this memorandum. Such restraint strikes a balance between our law enforcement responsibilities and the public's confidence in the way ICE executes its mission.

Precedent for this approach is clear. Under Immigration and Naturalization Service (INS) Policy HQ 807-P, Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies (May 17, 1993), law enforcement personnel were directed to:

> *"[A]ttempt to avoid apprehension of persons and to tightly control investigative operations on the premises of schools, places of worship, funerals and other religious ceremonies."*

ICE policies are in place to ensure that our personnel conduct enforcement operations in a manner that is safe and respectful of all persons. This policy was recently reinforced in a December 26, 2007 Memorandum from Marcy M. Forman, Director, Office of Investigations, entitled Enforcement Actions at Schools. This field guidance clearly states that ICE views these actions with particular sensitivity:

> *"[I]t is important to emphasize that great care and forethought be applied before undertaking any investigative or enforcement type action at or near schools, other institutions of education, and venues generally where children and their families may be present."*

Policies governing ICE Office of Detention and Removal (DRO) Fugitive Operations Teams have similarly discouraged enforcement actions in these sensitive locations. Furthermore, all of our enforcement actions have been, and should continue to be, thoroughly planned, reviewed, and approved by senior field office personnel so that both the public's safety and our national security are guaranteed.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000266

While ICE policies and procedures do not specifically preclude enforcement actions or investigative activities at the aforementioned locations, the direction of INS HQ807-P remains in effect.

Consistent with these policies, including INS HQ807-P, there may be specific situations requiring ICE personnel to act at or near sensitive locations. Such situations would include those involving terrorism-related investigations, matters of public safety, or actions where no enforcement activity is involved, such as requesting information from school officials, retrieving records, or otherwise routine, non-enforcement activity. Any such case must be raised to the appropriate Headquarters program office prior to any action or, in exigent circumstances, as soon as practicable. Moreover, personnel are reminded to be cognizant of the impact of their activity, exercise good judgment and act with an appropriate level of compassion in light of the location while exercising their authority in such circumstances.

This policy should not be construed as an indication of tolerance for any violations of the law by anyone at or in charge of any of these sensitive locations. A formal ICE Policy Directive providing policy and procedures for these enforcement actions and/or investigative activities will be issued in the near future.

Detention and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

FEB 04 2009

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

FROM: James T. Hayes, Jr.
Director

SUBJECT: Prioritized Monthly Fugitive Operations

Purpose

The purpose of this memorandum is to establish the requirement that ***each*** Fugitive Operations Team (FOT) conduct at least one Headquarters' approved operation per month targeting a minimum of 50 ICE fugitive aliens. All operations conducted pursuant to this directive shall be referred to as "major operations."

In addition to the required major operations, Field Offices are required to conduct a minimum of two multi-regional operations per year, targeting at least 250 ICE fugitive aliens. A multi-regional operation will include the areas of responsibility (AORs) of at least three (3) Field Offices. When conducting multi-regional operations, Field Offices shall ensure that FOTs are deployed within the operational areas in a manner that will ensure the greatest success of these operations.

This memorandum supersedes the directive issued in the June 9, 2008 memorandum entitled *"Prioritized Monthly Fugitive Operations"*, which requires Field Offices to conduct at least one operation per month, targeting 100 ICE fugitive aliens. This memorandum also amends the 1,000 ICE fugitive aliens per year goal addressed in the directive issued September 29, 2006 entitled *"Fugitive Case Management System Reporting and the 1,000 Arrests Annual Goal for Fugitive Operations Teams."*

To assist with these operations, the National Fugitive Operations Program (NFOP) will continue to provide lists of potential targets, focusing on Priorities I-IV. No less than 80% of the targets for both major operations and multi-regional operations shall be Priorities I-IV, absent prior approval from the Assistant Director, Enforcement.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000268

Discussion

Fugitive cases are prioritized according to the following criteria:

I. **Fugitives that pose a threat to national security**
II. **Fugitives that pose a threat to the community**
III. **Fugitives convicted of violent crimes**
IV. **Fugitives with criminal records**
V. **Fugitives that are non-criminals.**

Reporting Requirements

Operational reporting requirements set forth in the August 3, 2007 memorandum entitled "*Delegation of Authority and Standardization of the National Fugitive Operations Program (NFOP) Operational Plans*" have not changed and shall be adhered to.

For inquiries regarding this issue, please contact NFOP Acting Unit Chief (b)(6),(b)(7)(C) **at (202) 732-** (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000269

Office of Detention and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

JAN 19 2010

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

FROM: (b)(6),(b)(7)(C)

SUBJECT: Documentation of Consent to Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6),(b)(7)(C) at (202) 732 (b)(6),(b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000270

Policy Number: 10029.2
FEA Number: 306-112-002b

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

OCT 24 2011

MEMORANDUM FOR: Field Office Directors
Special Agents in Charge
Chief Counsel

FROM: John Morton
Director

SUBJECT: Enforcement Actions at or Focused on Sensitive Locations

Purpose

This memorandum sets forth Immigration and Customs Enforcement (ICE) policy regarding certain enforcement actions by ICE officers and agents at or focused on sensitive locations. This policy is designed to ensure that these enforcement actions do not occur at nor are focused on sensitive locations such as schools and churches unless (a) exigent circumstances exist, (b) other law enforcement actions have led officers to a sensitive location as described in the "*Exceptions to the General Rule*" section of this policy memorandum, or (c) prior approval is obtained. This policy supersedes all prior agency policy on this subject.[1]

Definitions

The enforcement actions covered by this policy are (1) arrests; (2) interviews; (3) searches; and (4) for purposes of immigration enforcement only, surveillance. Actions not covered by this policy include actions such as obtaining records, documents and similar materials from officials or employees, providing notice to officials or employees, serving subpoenas, engaging in Student and Exchange Visitor Program (SEVP) compliance and certification visits, or participating in official functions or community meetings.

The sensitive locations covered by this policy include, but are not limited to, the following:

[1] Memorandum from Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement, "Field Guidance on Enforcement Actions or Investigative Activities At or Near Sensitive Community Locations" 10029.1 (July 3, 2008); Memorandum from Marcy M. Forman, Director, Office of Investigations, "Enforcement Actions at Schools" (December 26, 2007); Memorandum from James A. Puleo, Immigration and Naturalization Service (INS) Acting Associate Commissioner, "Enforcement Activities at Schools, Places of Worship, or at funerals or other religious ceremonies" HQ 807-P (May 17, 1993). This policy does not supersede the requirements regarding arrests at sensitive locations put forth in the Violence Against Women Act, see Memorandum from John P. Torres, Director Office of Detention and Removal Operations and Marcy M. Forman, Director, Office of Investigations, "Interim Guidance Relating to Officer Procedure Following Enactment of VAWA 2005 (January 22, 2007).

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000271

- schools (including pre-schools, primary schools, secondary schools, post-secondary schools up to and including colleges and universities, and other institutions of learning such as vocational or trade schools);
- hospitals;
- churches, synagogues, mosques or other institutions of worship, such as buildings rented for the purpose of religious services;
- the site of a funeral, wedding, or other public religious ceremony; and
- a site during the occurrence of a public demonstration, such as a march, rally or parade.

This is not an exclusive list, and ICE officers and agents shall consult with their supervisors if the location of a planned enforcement operation could reasonably be viewed as being at or near a sensitive location. Supervisors should take extra care when assessing whether a planned enforcement action could reasonably be viewed as causing significant disruption to the normal operations of the sensitive location. ICE employees should also exercise caution. For example, particular care should be exercised with any organization assisting children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities.

Agency Policy

General Rule

Any planned enforcement action at or focused on a sensitive location covered by this policy must have prior approval of one of the following officials: the Assistant Director of Operations, Homeland Security Investigations (HSI); the Executive Associate Director (EAD) of HSI; the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO); or the EAD of ERO. This includes planned enforcement actions at or focused on a sensitive location which is part of a joint case led by another law enforcement agency. ICE will give special consideration to requests for enforcement actions at or near sensitive locations if the only known address of a target is at or near a sensitive location (e.g., a target's only known address is next to a church or across the street from a school).

Exceptions to the General Rule

This policy is meant to ensure that ICE officers and agents exercise sound judgment when enforcing federal law at or focused on sensitive locations and make substantial efforts to avoid unnecessarily alarming local communities. The policy is not intended to categorically prohibit lawful enforcement operations when there is an immediate need for enforcement action as outlined below. ICE officers and agents may carry out an enforcement action covered by this policy without prior approval from headquarters when one of the following exigent circumstances exists:

- the enforcement action involves a national security or terrorism matter;
- there is an imminent risk of death, violence, or physical harm to any person or property;

- the enforcement action involves the immediate arrest or pursuit of a dangerous felon, terrorist suspect, or any other individual(s) that present an imminent danger to public safety; or
- there is an imminent risk of destruction of evidence material to an ongoing criminal case.

When proceeding with an enforcement action under these extraordinary circumstances, officers and agents must conduct themselves as discretely as possible, consistent with officer and public safety, and make every effort to limit the time at or focused on the sensitive location.

If, in the course of a planned or unplanned enforcement action that is not initiated at or focused on a sensitive location, ICE officers or agents are subsequently led to or near a sensitive location, barring an exigent need for an enforcement action, as provided above, such officers or agents must conduct themselves in a discrete manner, maintain surveillance if no threat to officer safety exists and immediately consult their supervisor prior to taking other enforcement action(s).

Dissemination

Each Field Office Director, Special Agent in Charge, and Chief Counsel shall ensure that the employees under his or her supervision receive a copy of this policy and adhere to its provisions.

Training

Each Field Office Director, Special Agent in Charge, and Chief Counsel shall ensure that the employees under his or her supervision are trained (both online and in-person/classroom) annually on enforcement actions at or focused on sensitive locations.

No Private Right of Action

Nothing in this memorandum is intended to and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

This memorandum provides management guidance to ICE officers exercising discretionary law enforcement functions, and does not affect the statutory authority of ICE officers and agents, nor is it intended to condone violations of federal law at sensitive locations.

Policy Number: 10072.1
FEA Number: 601-14

Office of the Director

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

MAR 0 2 2011

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: All ICE Employees

FROM: John Morton
Director

SUBJECT: Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens

Purpose

This memorandum outlines the civil immigration enforcement priorities of U.S. Immigration and Customs Enforcement (ICE) as they relate to the apprehension, detention, and removal of aliens. These priorities shall apply across all ICE programs and shall inform enforcement activity, detention decisions, budget requests and execution, and strategic planning.

A. Priorities for the apprehension, detention, and removal of aliens

In addition to our important criminal investigative responsibilities, ICE is charged with enforcing the nation's civil immigration laws. This is a critical mission and one with direct significance for our national security, public safety, and the integrity of our border and immigration controls. ICE, however, only has resources to remove approximately 400,000 aliens per year, less than 4 percent of the estimated illegal alien population in the United States. In light of the large number of administrative violations the agency is charged with addressing and the limited enforcement resources the agency has available, ICE must prioritize the use of its enforcement personnel, detention space, and removal resources to ensure that the removals the agency does conduct promote the agency's highest enforcement priorities, namely national security, public safety, and border security.

To that end, the following shall constitute ICE's civil enforcement priorities, with the first being the highest priority and the second and third constituting equal, but lower, priorities.

Priority 1. Aliens who pose a danger to national security or a risk to public safety

The removal of aliens who pose a danger to national security or a risk to public safety shall be ICE's highest immigration enforcement priority. These aliens include, but are not limited to:

- aliens engaged in or suspected of terrorism or espionage, or who otherwise pose a danger to national security;

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000274

- aliens convicted of crimes, with a particular emphasis on violent criminals, felons, and repeat offenders;
- aliens not younger than 16 years of age who participated in organized criminal gangs;
- aliens subject to outstanding criminal warrants; and
- aliens who otherwise pose a serious risk to public safety.[1]

For purposes of prioritizing the removal of aliens convicted of crimes, ICE personnel should refer to the following new offense levels defined by the Secure Communities Program, with Level 1 and Level 2 offenders receiving principal attention. These new Secure Communities levels are given in rank order and shall replace the existing Secure Communities levels of offenses.[2]

- Level 1 offenders: aliens convicted of "aggravated felonies," as defined in § 101(a)(43) of the Immigration and Nationality Act,[3] or two or more crimes each punishable by more than one year, commonly referred to as "felonies";
- Level 2 offenders: aliens convicted of any felony or three or more crimes each punishable by less than one year, commonly referred to as "misdemeanors"; and
- Level 3 offenders: aliens convicted of crimes punishable by less than one year.[4]

Priority 2. Recent illegal entrants

In order to maintain control at the border and at ports of entry, and to avoid a return to the prior practice commonly and historically referred to as "catch and release," the removal of aliens who have recently violated immigration controls at the border, at ports of entry, or through the knowing abuse of the visa and visa waiver programs shall be a priority.

Priority 3. Aliens who are fugitives or otherwise obstruct immigration controls

In order to ensure the integrity of the removal and immigration adjudication processes, the removal of aliens who are subject to a final order of removal and abscond, fail to depart, or intentionally obstruct immigration controls, shall be a priority. These aliens include:

- fugitive aliens, in descending priority as follows:[5]

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[1] This provision is not intended to be read broadly, and officers, agents, and attorneys should rely on this provision only when serious and articulable public safety issues exist.
[2] The new levels should be used immediately for purposes of enforcement operations. DRO will work with Secure Communities and the Office of the Chief Information Officer to revise the related computer coding by October 1, 2010.
[3] As the definition of "aggravated felony" includes serious, violent offenses and less serious, non-violent offenses, agents, officers, and attorneys should focus particular attention on the most serious of the aggravated felonies when prioritizing among level one offenses.
[4] Some misdemeanors are relatively minor and do not warrant the same degree of focus as others. ICE agents and officers should exercise particular discretion when dealing with minor traffic offenses such as driving without a license.
[5] Some fugitives may fall into both this priority and priority 1.

  - fugitive aliens who pose a danger to national security;
  - fugitives aliens convicted of violent crimes or who otherwise pose a threat to the community;
  - fugitive aliens with criminal convictions other than a violent crime;
  - fugitive aliens who have not been convicted of a crime;
- aliens who reenter the country illegally after removal, in descending priority as follows:
  - previously removed aliens who pose a danger to national security;
  - previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community;
  - previously removed aliens with criminal convictions other than a violent crime;
  - previously removed aliens who have not been convicted of a crime; and
- aliens who obtain admission or status by visa, identification, or immigration benefit fraud.[6]

The guidance to the National Fugitive Operations Program: Priorities, Goals and Expectations, issued on December 8, 2009, remains in effect and shall continue to apply for all purposes, including how Fugitive Operation Teams allocate resources among fugitive aliens, previously removed aliens, and criminal aliens.

B. Apprehension, detention, and removal of other aliens unlawfully in the United States

Nothing in this memorandum should be construed to prohibit or discourage the apprehension, detention, or removal of other aliens unlawfully in the United States. ICE special agents, officers, and attorneys may pursue the removal of any alien unlawfully in the United States, although attention to these aliens should not displace or disrupt the resources needed to remove aliens who are a higher priority. Resources should be committed primarily to advancing the priorities set forth above in order to best protect national security and public safety and to secure the border.

C. Detention

As a general rule, ICE detention resources should be used to support the enforcement priorities noted above or for aliens subject to mandatory detention by law. Absent extraordinary circumstances or the requirements of mandatory detention, field office directors should not expend detention resources on aliens who are known to be suffering from serious physical or mental illness, or who are disabled, elderly, pregnant, or nursing, or demonstrate that they are primary caretakers of children or an infirm person, or whose detention is otherwise not in the public interest. To detain aliens in those categories who are not subject to mandatory detention, ICE officers or special agents must obtain approval from the field office director. If an alien falls

[6] ICE officers and special agents should proceed cautiously when encountering aliens who may have engaged in fraud in an attempt to enter but present themselves without delay to the authorities and indicate a fear of persecution or torture. *See* Convention relating to the Status of Refugees, art. 31, *opened for signature* July 28, 1951, 19 U.S.T. 6259, 189 U.N.T.S. 137. In such instances, officers and agents should contact their local Office of the Chief Counsel.

within the above categories and is subject to mandatory detention, field office directors are encouraged to contact their local Office of Chief Counsel for guidance.

D. Prosecutorial discretion

The rapidly increasing number of criminal aliens who may come to ICE's attention heightens the need for ICE employees to exercise sound judgment and discretion consistent with these priorities when conducting enforcement operations, making detention decisions, making decisions about release on supervision pursuant to the Alternatives to Detention Program, and litigating cases. Particular care should be given when dealing with lawful permanent residents, juveniles, and the immediate family members of U.S. citizens. Additional guidance on prosecutorial discretion is forthcoming. In the meantime, ICE officers and attorneys should continue to be guided by the November 17, 2000 prosecutorial discretion memorandum from then-INS Commissioner Doris Meissner; the October 24, 2005 Memorandum from Principal Legal Advisor William Howard; and the November 7, 2007 Memorandum from then Assistant Secretary Julie Myers.

E. Implementation

ICE personnel shall follow the priorities set forth in this memorandum immediately. Further, ICE programs shall develop appropriate measures and methods for recording and evaluating their effectiveness in implementing the priorities. As this may require updates to data tracking systems and methods, ICE will ensure that reporting capabilities for these priorities allow for such reporting as soon as practicable, but not later than October 1, 2010.

F. No Private Right Statement[7]

These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

[7] This statement was added to ICE Policy 10072.1, "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens" on February 7, 2011. The policy contained in this memorandum has not been altered or changed.

From: ERO Taskings
Sent: Thursday, October 20, 2011 4:12 PM
Subject: Reminder Significant ERO Enforcement Actions

This message is sent on behalf of David J. Venturella, Assistant Director for Field Operations:

To: **Field Office Directors and Deputy Field Office Directors**

Subject: **Reminder - Significant ERO Enforcement Actions**

ERO has been asked to provide information on significant ERO enforcement actions. This should be information that will take place in the next 24 hours or has taken place within the past 24 hours on:

- Fugitive Operations
- Removals
- Significant CAP or National Security arrests
- Joint Operations with other law enforcement agencies.

Each field office is expected to provide a brief summary of the most significant events within their AORs that fall under one of the above categories. If a field office has multiple events, please provide a bullet on each. Please ensure to include the A-number(s) with all submissions.

Please send your responses to the ERO Operation Center mailbox as found in the Microsoft Outlook Global Address List by the close of business every day excluding weekends and federal holidays. In addition, in your daily submissions, please provide a point of contact in your field office that HQ Field Operations can contact with questions on your submission.

Below are some examples of responses we would like to receive:

- ERO Seattle - Fugitive Operations Arrest – On March 12, 2011, the ERO Seattle will conduct a fugitive operation targeting 45 aliens with final orders of removal. Among the targets are aliens convicted of crimes such as murder, rape, robbery and assault. Included on the target list is (b)(6),(b)(7)(C) a citizen of Mexico who was convicted for the murder of her three year old son. **Media Note:** No media attention is expected as a result of this arrest.

- ERO Philadelphia – VCAS – On March 10, 2011, the Philadelphia VCAS team arrested (b)(6),(b)(7)(C) a citizen of Jamaica who illegally reentered the United States after being removed. (b)(6),(b)(has been convicted of possession with intent to deliver a controlled substance. ERO Philadelphia will present (b)(6),(b)(for prosecution in the U.S. District Court for the Eastern District of Pennsylvania for violation of Title 8 USC Section 1326, illegal reentry after deportation. **Media Note:** No media attention is expected as a result of this arrest.

- ERO Baltimore – Significant Removal – On March 14, 2011, ERO Baltimore plans to remove (b)(6),(b)(7)(C) a citizen of Pakistan with a final order of removal, to Pakistan aboard a commercial aircraft. This case is being monitored by the National Security Law Section due to (b)(6),(b)(7) providing material support to a terrorist organization. **Media Note:** No media attention is expected as a result of this removal.

- ERO Washington – Criminal Alien Program – On March 11, 2011, ERO Washington officers encountered (b)(6),(b)(7)(C) a citizen of Bolivia, at the Prince William County, VA, Sheriff's Office after he was arrested for first degree murder. (b)(6),(b)(7)(C) is alleged to have shot his girlfriend during a domestic dispute. (b)(6),(b)(7)(C) is currently in the Prince William County Adult Detention Center in Manassas, VA awaiting trial. ERO Washington has lodged an immigration detainer. **Media Note:** This case has garnered significant media attention in the local area Local and HQ PAO are engaged.

- ERO El Paso Joint Operation - ERO participated in operation Knockdown with Homeland Security Investigation and the US Marshals. The operation entailed interviewing of approximately 230 known or suspected Barrio Azteca gang members in the El Paso, TX metropolitan area to garner information regarding gang violence and drug activities in the (b)(6),(b)(7)(C) Mexico region. The information will be utilized by task force members to disrupt (b)(6),(b)(7)(C) illegal activities. To date Operation Knockdown has resulted in 54 criminal arrests and 25 administrative arrests. **Media Note:** No media attention is expected as a result of this operation.

Should you have any questions regarding this task please contact Chief of Staff (b)(6),(b)(7)(C) at 202-732(b)(6), or via email a (b)(6),(b)(7)(C)

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U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS

Use of Restraints

Policy Number: ERO 11155.1
Issue Date: 11/19/2012
Effective Date: 11/19/2012
Review/Expiration Date 11/19/2016
Superseded: Memorandum on Use of Restraints Acting Director (July 20, 2004) (b)(6),(b)(7)(C)
Federal Enterprise Architecture Number: 306-112-002b

1. **Purpose/Background.** This Directive establishes guidelines for officers who arrest and detain persons pursuant to the authorities of U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO).

1.1. This Directive applies to all ICE ERO officers with arrest authority as authorized in the INA as amended and implemented in Title 8, Code of Federal Regulations.

1.2. This Directive applies from the time the arrestee is encountered until processed into an ICE approved detention facility or turned over to another law enforcement agency, and to subsequent detainee transfers or transports by ERO officers.

2. **Policy.**

2.1. Upon arrest officers shall apply appropriate restraint devices which may include, but are not limited to, handcuffs, flexible restraints, or full restraints, in accordance with the procedures outlined in this directive.

2.2. Except in exigent circumstances, officers shall only use ICE authorized restraints on arrestees in a manner that is safe, secure, and professional and in a manner consistent with appropriate ICE-approved or provided training. Restraints will not be used to impose punishment on any individual arrested by ICE personnel.

2.3. Regardless of the level of restraints used, no arrestee will be transported without the assigned officer conducting his/her full search of the arrestees person for contraband, except when circumstances pose a safety hazard or danger to the officer, arrestee or the public. In the latter case, a full search will be conducted as soon as practicable. A pat down search shall be the minimum search conducted.

2.4. When transporting a restrained arrestee, officers shall take reasonable and prudent precautions to avoid causing unnecessary or physical discomfort. If possible, avoid exposing restrained persons to unnecessary public view. Once applied, the restraints must not restrict blood circulation or breathing.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000280

Officers may not leave any handcuffed or otherwise restrained person unattended, except in exigent circumstances. Whenever foreseeable, supervisors should plan for additional officers and/or make alternate arrangements to prevent leaving restrained persons unattended. Officers may not secure any person to a fixed object that could endanger the person's life or cause injury.

Transport Hood and Protective Masks (spit guards/shields) are considered safety related equipment (not restraints) when properly used and applied.

Officers will not transport anyone without considering the person's risk to ICE staff, the public, himself/herself, and the likelihood of escape.

3. **Definitions.** The following definitions apply for purposes of this directive only:

3.1. **Adult.** Any person believed to be 18 years of age or older.

3.2. **Alien.** Any person who is not a United States citizen or national.

3.3. **Arrestee.** Any person, regardless of citizenship or nationality, who has been arrested, restrained, transported, or detained by ERO officers

3.4. **Child.** Any person believed to be under the age of 14 years of age.

3.5. **Contraband.** Any item that is prohibited by ICE or by law.

3.6. **Detainee.** Any alien booked into an ICE approved detention facility.

3.7. **Escape Risk.** Any person who the officer believes may attempt to flee from ICE custody after arrest or in any form of detention, if s/he is not otherwise prevented.

3.8. **Escort.** An officer's transport or movement of any person who has been arrested and/or detained under the authorities of ICE ERO.

3.9. **Exigent Circumstances.** A situation requiring unusual or immediate action or aid and that may require ERO officers to circumvent usual procedures (e.g. to prevent imminent danger to life or safety of an officer, the alien or other detainee, or the public or serious damage to property, or to forestall the imminent escape of a person in custody, or destruction of evidence).

3.10. **Full Restraints.** Full Restraints means: ICE-approved handcuffs, waist/belly chain, and leg irons.

3.11. **Full Search.** A search, by an ERO officer, of an arrestee's body, clothing and/or other items (e.g., purse or wallet in the arrestee's possession) that is conducted

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000281

to locate and retrieve weapons, contraband, and/or means of escape or evidence of a crime.

3.12. Means of Escape. Any tool, device, or contrivance designed or used for defeating a restraint (i.e., handcuff key, shim, etc.).

3.13. Officer. Any officer or agent employed by ICE ERO as defined by 8 C.F.R. 287.5.

3.14. Restraining Device. Any physically attached or applied device having the purpose of preventing, restricting, limiting, or controlling the movements of the person on whom it is applied. Safety equipment is not considered to be a restraining device.

3.15. Transport. Use of a vehicle to move any person arrested or detained.

3.16. Weapon. Any object, item, or device that may be used to cause physical injury, incapacitate, or diminish a person's capability, either temporarily or permanently.

4. Responsibilities.

4.1. Managers and Supervisors are responsible for:

a) Disseminating and enforcing the Use of Restraints Directive;
b) Verifying officers receive appropriate training before they carry out their duties;
c) Providing officers with the appropriate type and number of restraining devices, including all necessary keys and tools; and
d) Conveying all known information concerning escape risks, criminal background or involvement, and violence or medical indications to officers or managers.

4.2. Officers are responsible for:

a) Complying with the Use of Restraint Directive;
b) Verifying that approved restraints, keys, and tools are functioning properly and available for duties, as assigned;
c) Reporting any non-functioning equipment to their supervisor; and
d) Conveying all known information concerning escape risks, criminal background or involvement, and violence or medical indications to officers or managers.

5.0. Procedures.

5.1. Handcuffing. When arrestees are encountered at locations deemed unsecure by arresting officers, officers should handcuff (double-locked) all arrestees with

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000282

their hands behind their back and palms facing outward. Age, size, or gender is not a valid reason for failing to handcuff an arrestee.

5.2. **Full Restraints.** When arrestees are encountered at a secure location (e.g. jail, prison, or similar location), officers will utilize full restraints.

5.3. **Exceptions.** Officers may restrain an arrestee with his/her hands in front or use other appropriate and approved restraining device(s) when an arrestee:

a) is in an obvious state of pregnancy,
b) has a physical disability, or
c) has injuries that could be aggravated by standard handcuffing procedures.

5.4. **Encountering a Child.** Any child deemed not to pose a threat of harm or escape by an officer will not be restrained.

5.5. **Large or Inflexible Persons.** Any individual who is larger or lacking flexibility may require the use of several sets of handcuffs linked together, flex-cuffs, or other specifically designed flexible restraints, if necessary.

5.6. **Additional Restraints.** Additional approved restraint devices may be used to secure an individual who violently resists and poses a threat to themselves, the officer, other detainees, or the public.

5.7. **Transition from Handcuffs to Full Restraints.** Arrestees handcuffed at the time of arrest should be transitioned to full restraints as soon as practicable once officers have identified a safe and secure location for the transition and sufficient officers are present, unless it is anticipated that the final destination (detention facility, ICE office, or other LEA facility) will be reached in less than one hour.

5.8. **Additional Responsibilities.** When ICE personnel have reason to believe that an alien in their custody is a known escape risk or will be located in an unsecure area for an extended period of time, such as a hospital (for example, doctors may request restraints be removed for treatment), supervisors must plan for additional officers, appropriate restraints, and/or make alternate arrangements.

5.9. **Non-ICE Processing Site or Detention Facility Procedures.** Upon arrival at the processing site or non-ICE detention facility, ICE personnel shall follow all local policies and procedures regarding use of restraints in place at that location.

5.10. **Use of Restraints during Transportation of Detainees by ERO Officers.** Except in exigent circumstances, or as provided for in sections 5.3 and 5.4, ERO officers will utilize full restraints when transporting detainees.

5.11. **Use of Restraints on Commercial Aircraft.** Airlines are under no obligation to transport detainees and may reject the officer and his/her detainee for a variety

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000283

of reasons. Corporate airline policy on the types and the use of restraints varies between airlines and airports. The aircraft's captain has the ultimate authority to determine the use of restraining devices on any flight. If the captain's decision is unacceptable, the officer shall deplane and make other arrangements. This procedure fully complies with current FAA and TSA regulations.

6. Authorities/References.

6.1. Title 8, United States Code, Section 1357 (INA 287)

6.2. Title 8, Code of Federal Regulations, Part 287 (8 CFR 287)

6.3. ICE Directive 19006.1 Escapes from Custody (August 16, 2012)

6.4. M-69 The Law of Arrest, Search and Seizure for Immigration Officers (January 1993)

6.5. National Firearms and Tactical Training Unit Authorized Restraint Devices (January 11, 2012)

7. No Private Right. These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter.

Gary Mead
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS

ERO 11156.1 Enforcement Operations Property Protocols

Issue Date: 12/3/2012
Effective Date: 12/3/2012
Review/Expiration Date: 12/3/2016
Superseded: None.
Federal Enterprise Architecture Number: 306-112-002b

1. Purpose/Background.

1.1. To establish protocols for the documentation and management of seized, abandoned, or forfeited items for the purpose of potential criminal prosecution or immigration proceedings.

1.2. Items subject to seizure may be evidence, contraband or other forfeitable property.

1.3. The Immigration and Nationality Act (INA) authorizes certain immigration officers who successfully completed basic immigration law enforcement training to conduct searches and make arrests, either with or without a warrant, depending on the specific circumstances of an encounter. Certain immigration officers may include Immigration Enforcement Agents and Deportation Officers as well as the supervisory and managerial personnel who are responsible for supervising the activities of those officers. INA § 287 authorizes the officers to make warrantless arrests for felonies committed in their presence and "execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States."

1.4. During the course of duty, Office of Enforcement and Removal Operations (ERO) enforcement officers encounter evidence of criminal or administrative violations, contraband or other property, including abandoned property. The following policies are relevant to the seizure of property by ERO officers and agents:

- Under U.S. Immigration and Customs Enforcement (ICE) protocols (i.e., the *DRO/OI Protocols* agreement), ERO coordinates law enforcement and intelligence gathering activities with Homeland Security Investigations (HSI). This includes case de-confliction and ensures referral to HSI any criminal investigation other than those for violations listed in the ICE protocols (i.e., 8 U.S.C. 1324, 8 U.S.C. 1546)

- Regarding seized firearms, ERO officers are to coordinate with HSI in accordance with the above mentioned *Protocols* memo. If HSI is unable to assist with the seizure and forfeiture of a firearm, and/or if ICE does not possess the statutory authority for forfeiture, officers are to follow the Office of the Principal Legal Advisor (OPLA) Memorandum, *Disposition of seized*

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000285

firearms that have not been abandoned or forfeited. This memorandum directs ICE officers to pursue judicial forfeiture or promptly seek assistance from the Bureau of Alcohol, Tobacco, Firearms, and Explosives or state or local law enforcement. In addition, the OPLA Memorandum states that officers must document evidence, contraband, or other forfeitable property confiscated, seized or acquired by abandonment through search warrants, consent searches, grand jury subpoenas, administrative summonses, surveillances, trash runs, or other means.

2. Policy.

ERO enforcement officers who seize property to be used as evidence *must* attempt to turn over seized property to HSI. If HSI is unable to accept said property, ERO officers may seek to transfer property to another law enforcement agency, or temporarily detain said property. If the seized item is a firearm, it must be handled in a manner consistent with Section 1.4 of this policy. At all times, ERO officers will document such seizures and transfers consistent with this directive. ERO may also store such property if the other agencies decline to accept the property (e.g., due to its de-minimus value) in accordance with current CBP and ICE policies.

3. Definitions.

3.1. Seizure is taking physical possession and/or control of property.

3.2. Detention is withholding release of property pending a decision to seize.

4. Responsibilities.

4.1. The Criminal Alien Division is the Office of Primary Interest and is responsible for developing and updating this Directive and associated procedures.

4.2. ERO Officers are responsible for following the procedures listed in this Directive.

5. Procedures.

5.1. Officers:

1) Follow the procedures listed in established policies (see section 1.4 of this Directive).

2) Document any seized, abandoned or detained items in the (b)(7)(E) (b)(7)(E) on Form I-44, *Record of Apprehension or Seizure.*

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000286

3) Complete DHS Form 6051S, *Custody Receipt For Seized Property and Evidence*, or DHS Form 6051D, *Custody Receipt For Detained Property and Evidence*.

4) Provide a copy of DHS-6051S or DHS-6051D to the person from whom it was seized or detained, or from where the item was obtained.

5) Place the original DHS-6051S or DHS-6051D with the seized or detained item.

6) In the case of abandoned or forfeited property, complete DHS Form 4607 and attach it to the property.

6. Authorities/References.

6.1. Immigration and Nationality Act § 287; 8 U.S.C. § 1357.

6.2. Michael Garcia, Assistant Secretary, ICE, *Interim ICE Use of Force Policy* (July 7, 2004).

6.3. (b)(6),(b)(7)(C) Deputy Chief, Enforcement Law Division, OPLA, *Disposition of seized firearms that have not been abandoned or forfeited* (September 16, 2009).

6.4. Marcy Forman, Director, Office of Investigations, and John P. Torres, Office of Detention and Removal Operations, *DRO/OI Protocols* (August 20, 2007).

6.5. Acting Commissioner for CBP and Assistant Secretary for ICE, *Guidance on Referral Coordination for U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement* (May 10, 2006).

6.6. CBP, Office of Field Operations, Fines, Penalties & Forfeitures Division, *Seized Asset Management and Enforcement Procedure Handbook* (July 2011)

6.7. Rafael Borras, Under Secretary for Management, DHS Directive 119-03, *Personal Property Asset Management Program* (June 21, 2012)

7. Attachments.

7.1. Form I-44, *Report of Apprehension or Seizure* (August 1, 2007).

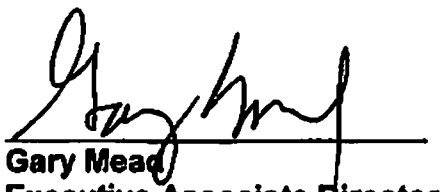
7.2. DHS Form 6051D, *Detention Notice and Custody Receipt for Detained Property* (August 2009).

7.3 DHS Form 6051S, *Custody Receipt for Seized Property and Evidence* (August 2009).

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000287

7.4 DHS Form 4607, *Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise* (June 2011).

8. **No Private Right Statement.** This Directive is an internal policy statement of ICE. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable by any party against the United States; its departments, agencies, or other entities; its officers or employees; contractors or any other person.



Gary Mead
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000288

Office of Detention and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

JAN 19 2010

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

FROM: (b)(6),(b)(7)(C)
Acting Director

SUBJECT: Documentation of Consent to Enter and Search

Purpose

This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6),(b)(7)(C) at (202) 732 (b)(6),(b) email (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000289

Policy Number: 11001.1
FEA Number: 601-03

Office of the Assistant Secretary

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

DEC 08 2009

MEMORANDUM FOR: Field Office Directors and
All Fugitive Operation Team Members

FROM: John Morton
Assistant Secretary

SUBJECT: National Fugitive Operations Program: Priorities, Goals, and Expectations

Purpose

This memorandum serves to clarify the enforcement priorities of the National Fugitive Operations Program (hereinafter the program) within the Office of Detention and Removal Operations (DRO) and supersedes previously issued fugitive operations guidance. The existence and continuation of this program are essential to the integrity of the immigration and border controls. Good government is poorly served if, after much time and the expenditure of government resources, final orders of removal are ignored without consequence. Indeed, the sound administration of the nation's immigration system depends on an efficient, fair, and meaningful removal process. As a result, it is the clear policy of this agency that final orders of removal should be enforced and that those who knowingly disobey or evade a final order of removal should be apprehended and removed.

In order to ensure that the program's resources are used efficiently and as envisioned by Congress, it is the policy of this agency that the program focus on its core mission—the apprehension and removal of fugitive aliens.[1] In the interest of public safety and the rule of law, the program's resources may also be used to apprehend and remove (1) aliens who have been removed previously from the United States and then return illegally, and (2) criminal or otherwise dangerous aliens living at large in our communities. As a general rule, the program's resources should not be used to target other classes of removable aliens, although fugitive operations teams may apprehend and remove such aliens if encountered during normal operations.

[1] A fugitive is any alien who has failed to leave the United States following the issuance of a final order of removal, deportation, or exclusion or has failed to report to ICE after receiving notice to do so.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000290

Enforcement Priorities

The following three tiers reflect, in order of priority, how fugitive operations teams should focus their resources. Teams must focus the vast majority of resources, at least 70%, on tier 1 fugitives. The remainder should be directed to tiers 2 and 3. The priorities within each tier are also listed below, with level I generally warranting more attention than level II, and so forth. These tiers and levels provide clear guidance to the field but should not be applied so rigidly as to undermine sound judgment when exceptions are warranted by circumstance.[2] Similarly, the tiers should not be so rigidly interpreted to prevent prioritizing an illegal reentrant with a serious criminal conviction over a fugitive with no criminal history.

Tier 1 Fugitive aliens
- I. Fugitives who pose a threat to national security
- II. Fugitives convicted of violent crimes or who otherwise pose a threat to the community
- III. Fugitives with a criminal conviction other than a violent crime
- IV. Fugitives with no criminal conviction

Tier 2 Previously removed aliens
- I. Previously removed aliens who pose a threat to national security
- II. Previously removed aliens convicted of violent crimes or who otherwise pose a threat to the community
- III. Previously removed aliens with a criminal conviction other than a violent crime
- IV. Previously removed aliens with no criminal conviction

Tier 3 Removable aliens convicted of crimes
- I. Aliens convicted of level 1 offenses, as defined for purpose of Secure Communities
- II. Aliens convicted of level 2 offenses, as defined for purposes of Secure Communities
- III. Aliens convicted of level 3 offenses, as defined for purposes of Secure Communities

With respect to non-criminal fugitive targets in Tier 1, level IV, the Fugitive Operations Support Center (FOSC) and teams should consider that aliens who are the subject of in absentia orders and aliens with pending applications for relief before U.S. Citizenship and Immigration Services are more likely to have viable motions to reopen. For that reason, resources—particularly detention resources—may be better focused on other targets, unless aggravating circumstances offset the possibility of reopening or prolonged proceedings.

To promote efficiency, teams are expected to focus resources on cases with the most current investigative leads, including cases with the most recently issued final orders as these are most

[2] These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using (b)(7)(E) Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and

convictions attributed to teams during operations. This system will credit teams for locating high priority aliens, even if those cases require more time to investigate and close.

Field offices are expected to focus not simply on the apprehension of aliens, but also on their removal. Headquarters will evaluate removals in addition to the metrics above. When fugitives are taken into custody, officers should pay attention to lawful avenues to secure the person's travel documents to reduce detention times and facilitate removal.

Field and National Operations

Field offices have the discretion to conduct operations to advance the program's priorities and accomplish the goal of reducing the fugitive pool. Field offices are encouraged to participate in Operation Cross Check and Operation Secure Streets in collaboration with local United States Attorney's offices. These operations are important as they identify criminal aliens who fall within the three tiers above. Field offices also will be called on to participate in national and strategic headquarters-driven operations. Major operations, whether driven by the field or headquarters, will be coordinated with the Office of the Principal Legal Advisor.

Building Partnerships

Field Office Directors and team members are encouraged to maintain and build positive relationships with federal, state, local, and tribal law enforcement agencies in their AOR. This includes information sharing, consistent with law and policy. Team members are encouraged to advise, and cooperate with, local law enforcement partners when conducting operations. Field Office Directors will coordinate with any local participants in the task force model of the 287(g) program to share information and avoid duplication of efforts.

Field Office Directors also are expected to build relationships with community groups to identify and address concerns about the conduct of fugitive operations. Allegations of misconduct and wrongdoing are referable to the Joint Intake Center (JIC).

National Fugitive Operations Program Priorities:

Tier 1 Fugitive aliens
I. Fugitives who pose a threat to national security
II. Fugitives **convicted** of violent crimes or who otherwise pose a threat to the community
III. Fugitives with a criminal **conviction** other than a violent crime
IV. Fugitives with no criminal **conviction**

Tier 2 Previously removed aliens
I. Previously removed aliens who pose a threat to national security
II. Previously removed **convicted** of violent crimes or who otherwise pose a threat to the community
III. Previously removed aliens with a criminal **conviction** other than a violent crime
IV. Previously removed aliens with no criminal **conviction**

Tier 3 Removable Aliens convicted of crimes
I. Aliens **convicted** of Level 1 offenses, as defined for purposes of Secure Communities
II. Aliens **convicted** of Level 2 offenses, as defined for purposes of Secure Communities
III. Aliens **convicted** of Level 3 offenses, as defined for purposes of Secure Communities

Secure Communities levels:

Level 1 Crimes (NCIC Code)	Level 2 Crimes (NCIC Code)	Level 3 Crimes (NCIC Code)
National Security* (0101-0199, 1602, 5204-5299)	Arson (2001-2099)	Military (0201, 2099)
Homicide (0901-0999)	Burglary (2201-2299)	Immigration (0301-0399)
Kidnapping (1001-1099)	Larceny (2301-2399)	Extortion (2102-2199)
Sexual Assault (1101-1199)	Stolen Vehicles (2401-2411, 2499)	Damage Property (2901-2903)
Robbery (1201-1299)	Forgery (2501-2599)	Family Offenses (3801, 3804-3899)
Aggravated Assault (1301-1399)	Fraud (2601-2699)	Gambling (3901-3999)
Threats (1601)	Embezzlement (2701-2799)	Commercialized Sex Offenses (4001-4099)
Extortion –Threat to Injure Person (2101)	Stolen Property (2801-2899)	Liquor (4101-4199)
Sex Offenses (3601-3699)	Damage Property w/Explosive (2904-2906)	Obstructing the Police (4802-4899)
Cruelty Toward Child, Wife (3802, 3803)	Traffic Offenses (5402-5499)	Bribery (5101-5199)
Resisting an Officer (4801)	Smuggling (5801-5899)	Health and Safety (5501-5599)
Weapon (5201-5203)	Money Laundering (6300)	Civil Rights (5699)
Hit and Run (5401)	Property Crimes (7199)	Invasion of Privacy (5701-5799)
Drugs (Sentence >1 year)	Drugs (Sentence < 1 year)	Elections Laws (5999)
		Conservation (6201-6299)
		Public Order Crimes (7399)

*__National Security__ violations include the NCIC coded offenses of Sabotage, Sedition, Espionage and Treason (0101-0199); Terrorist Threats (1602); and Weapons, Arson/Incendiary Devices and Bombing offenses (5204-5299).

Detention and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

FEB 04 2009

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors

FROM: James T. Hayes, Jr.
Director

SUBJECT: Prioritized Monthly Fugitive Operations

Purpose

The purpose of this memorandum is to establish the requirement that ***each*** Fugitive Operations Team (FOT) conduct at least one Headquarters' approved operation per month targeting a minimum of 50 ICE fugitive aliens. All operations conducted pursuant to this directive shall be referred to as "major operations."

In addition to the required major operations, Field Offices are required to conduct a minimum of two multi-regional operations per year, targeting at least 250 ICE fugitive aliens. A multi-regional operation will include the areas of responsibility (AORs) of at least three (3) Field Offices. When conducting multi-regional operations, Field Offices shall ensure that FOTs are deployed within the operational areas in a manner that will ensure the greatest success of these operations.

This memorandum supersedes the directive issued in the June 9, 2008 memorandum entitled *"Prioritized Monthly Fugitive Operations"*, which requires Field Offices to conduct at least one operation per month, targeting 100 ICE fugitive aliens. This memorandum also amends the 1,000 ICE fugitive aliens per year goal addressed in the directive issued September 29, 2006 entitled *"Fugitive Case Management System Reporting and the 1,000 Arrests Annual Goal for Fugitive Operations Teams."*

To assist with these operations, the National Fugitive Operations Program (NFOP) will continue to provide lists of potential targets, focusing on Priorities I-IV. No less than 80% of the targets for both major operations and multi-regional operations shall be Priorities I-IV, absent prior approval from the Assistant Director, Enforcement.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000295

Discussion

Fugitive cases are prioritized according to the following criteria:

I. **Fugitives that pose a threat to national security**
II. **Fugitives that pose a threat to the community**
III. **Fugitives convicted of violent crimes**
IV. **Fugitives with criminal records**
V. **Fugitives that are non-criminals.**

Reporting Requirements

Operational reporting requirements set forth in the August 3, 2007 memorandum entitled "*Delegation of Authority and Standardization of the National Fugitive Operations Program (NFOP) Operational Plans*" have not changed and shall be adhered to.

For inquiries regarding this issue, please contact NFOP Acting Unit Chief (b)(6),(b)(7)(C) **at (202) 732** (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000296

ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000297

ICE

4th Amendment Training
[Refresher for ERO FUG OPS]

U.S. Immigration and Customs Enforcement

Office of the Principal Legal Advisor

Revised July 2011

ICE

U.S. Immigration and Customs Enforcement

The Fourth Amendment

- Applicable to situations that may be encountered while conducting ICE operations
- Imposes limits on law enforcement officer's authority by prohibiting unreasonable searches and seizures

The right of the people
TO BE SECURE IN THEIR PERSONS,
HOUSES, PAPERS, AND EFFECTS,
AGAINST UNREASONABLE SEARCHES
AND SEIZURES, SHALL NOT BE VIOLATED,
AND NO WARRANTS SHALL ISSUE,
BUT UPON PROBABLE CAUSE,
SUPPORTED BY OATH OR AFFIRMATION,
AND PARTICULARLY DESCRIBING THE
PLACE TO BE SEARCHED, AND THE
PERSONS OR THINGS TO BE SEIZED.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000298

ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000299

ICE

U.S. Immigration and Customs Enforcement

Is the Fourth Amendment Applicable?

- Is there a
  - Governmental
  - Intrusion
  - Into a protected interest?

ICE

U.S. Immigration and Customs Enforcement

Government

- Includes law enforcement officers and agents
- Includes civil employees, i.e. building inspectors, school officials, OSHA
- Also includes private individuals acting under the Government's direction and/or request

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000300

ICE

Protected interest

A person must have a legitimate *reasonable expectation of privacy* (REP) (two part test):

- Subjective expectation of privacy that
- Society is prepared to recognize as objectively reasonable

There's no place like home!

U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000301

ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000302

ICE

U.S. Immigration and Customs Enforcement

WHAT IS A SEARCH?

A search occurs when:

There is a governmental intrusion into area where an individual has a reasonable expectation of privacy.

ICE

WHAT IS A SEARCH? Cont'd.

When does an intrusion amount to a search?

Depends on the particular factual circumstances, but:

Generally considered a search:

- Thermal imaging
- Opening a door

Generally not considered a search:

- Dog Sniffs
- Visual Aids (flashlight)
- Mobile tracking devices (GPS)

U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000303

ICE

Seizure
What is a seizure?

- A person is seized when, based on the totality of the circumstances, a reasonable person would not feel free to leave or terminate the encounter
  - Brief investigatory stops are allowed if supported by reasonable, articulable suspicion [*Terry* stop]
- Property is seized when there is some meaningful interference with an individual's possessory interests in the property

U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000304

ICE

U.S. Immigration and Customs Enforcement

ICE Administrative Arrest Authority

- Title 8 interrogation and arrest authority *does not extend* to warrantless searches of dwellings. An administrative arrest warrant *does not convey* the authority to enter and search premises.
- A warrant of deportation/removal (Form I-205) is an administrative instrument, not a judicially approved search or arrest warrant.
- (b)(7)(E)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000305

ICE

U.S. Immigration and Customs Enforcement

INA Administrative Arrest Warrants

- When conducting targeted fugitive operations arrests, ERO officers must be in possession of *either* the I-205 (Warrant for Removal) or the I-200(Warrant of Arrest).
- However this administrative warrant does not authorize entry into a dwelling to execute it. It merely allows for the target's arrest.
- Even with an administrative warrant, DHS officers need CONSENT to enter an area that has a REP to make an arrest
  - Including a home, the curtilage of a home, or an individual's room in shared premises.

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ICE

"Knock and Talk" Rules

- Hours of operation – daytime hours
- Daytime means 6:00 a.m. to 10:00 p.m.
- May operate outside daytime hours if
  - In writing
  - Prior approval
  - Must articulate why necessary
- If target leaves for work before 6:00 a.m., does not constitute "necessary"
- What is an example of "necessary"?
- Obtain consent to enter and consent to search residence from an adult with authority to consent
- Obtain consent to enter curtilage of dwelling

U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000307

ICE

Curtilage

- Curtilage is "the area to which extends the intimate activity associated with the sanctity of a man's home and the privacies of life." Curtilage generally includes a yard and outbuildings, actually enclosed or considered enclosed.
- Consent needed to enter curtilage.
- When determining curtilage, consider:
  - Proximity to home
  - Single enclosure with home
  - Area's use
  - Steps taken to prevent observation by passersby, but no duty to "shield eyes" from activities observed from lawful vantage point
- Curtilage v. Open Fields

U.S. Immigration and Customs Enforcement

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000308

ICE

Exception to Curtilage

May walk across curtilage of the house to speak to occupants if general public could do so as well.

U.S. Immigration and Customs Enforcement

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ICE

U.S. Immigration and Customs Enforcement

Surveillance

What a person knowingly exposes to the public, even if in their own home or office, is not subject to Fourth Amendment protection.

- May peer into house from location where general public is allowed
- May talk to neighbors
- May talk to employer
- Abandoned property
  - Trash
  - Bags

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ICE

Consent: Exception to P/C Warrant Requirement

No warrant needed if an individual consents to entry and/or search

- Must have authority
- Must be voluntary
- May be expressed or implied
- Must stay within the scope
- Any occupant with apparent authority can withdraw, limit, or vitiate consent

U.S. Immigration and Customs Enforcement

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ICE

U.S. Immigration and Customs Enforcement

Consent: Authority

- **Actual Authority**: The person with the expectation of privacy in the thing/place to be searched has authority to consent

- **Apparent Authority**: As long as officers reasonably believe that the person who gives consent to search has the authority to do so, they may rely on that consent.

- **Common Authority**: Mutual use of property demonstrates joint access or control

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ICE

Authority to Consent Examples

Do the following people have authority to give consent to search a home:

- Co-tenant?
  - Both present?
- Landlord?
- Employer in company housing?

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ICE

U.S. Immigration and Customs Enforcement

Authority to Consent Answers to Examples

Do the following people have authority to give consent to search a home:

- Co-tenant?
  - Yes, those with joint possession may give consent to search common areas
  - BUT if both present…it depends
- Landlord?
  - If the landlord does not live there, the landlord may not give officers consent to enter
- Employer in company housing?
  - Employer may not consent to search of employee housing

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ICE

Consent: Voluntary?

Consent must be voluntary and not the product of coercion. Government bears burden.

- Determined by a totality of the circumstances
- Factors:
  - Knowledge of right to refuse
  - Age, intelligence, education, language ability
  - Degree to which the individual cooperates
  - Person's attitude
  - Length of detention and questioning

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ICE

U.S. Immigration and Customs Enforcement

Consent: Case law says consent to search may be express or implied

BEST PRACTICE

- Obtain express consent from the resident
- Document the "who, what, when and where" on the I-213
  - **Who** gave consent, and what authority did they have to give consent?
    - Tenant? Co-tenant?
  - **What** exactly did they say? Get clear statement of consent in I-213
  - **When** did they say it?
  - **Where** were they when they said it?

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ICE

Implied Consent

NOT A BEST PRACTICE

Some examples where courts have varied in deciding whether or not consent was implied

- Silence
- Body language
- Person answering door steps away from open door
- Door opens after prolonged knocking

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ICE

CONSENT

Best Practice Tips

- Get express consent
  - Document who gave consent and what s/he said
  - Document why you believe that individual had authority to consent (e.g. resident, co-tenant)
- Document, document, document!
- Be cautious!
- Review and follow Venturella Memo, *Documentation of Consent to Enter and Search*, Jan. 19, 2010
- When in doubt consult with your OPLA Office of Chief Counsel

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ICE

Consent: Scope and Withdrawal

Scope: must not exceed the scope of the consent

- Withdrawal or narrowing of consent must be honored
  - Must be clearly expressed by actions or words
  - After evidence found?

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000320

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Consent: Withdrawal

- Evidence is not tainted if withdrawal occurs after search
- Consent cannot be withdrawn after target and/or evidence is found

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Ruses

- Use is permitted but must not be coercive
  - May not convince resident they have no choice but to let officer inside
  - Totality of circumstances determine if coercive
- Fourth Amendment prohibition against warrantless arrests in a home means that courts scrutinize ruses to gain access to home more closely than ruses to convince target to exit home, but both still may not be coercive
- If using a ruse to gain access to a home, recommend have probable cause to believe target is in the home (meaning have probable cause to support your arrest) so arrest will not be invalidated if consent to enter based on ruse is subsequently determined involuntary during motion to suppress

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Ruses

- Allowed:
  - Van altered so not obviously Government transport van, i.e. equipped with ladders, tubing, etc.
  - Carrying box and clipboard
  - Fake business emblem and card
- Not allowed:
  - Must not represent self as employee of a real business, i.e. FedEx, UPS
  - Must not represent self as employee of Government agency such as OSHA, child welfare
  - Must not use license plates, Government identification that is not properly issued
  - Must not fabricate life threatening emergency, e.g. gas leak, fire

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ICE

Other Exceptions to the Warrant Requirement

- Search incident to arrest
- Frisk
- Protective sweep
- Vehicle inventory
- Plain view
- Hot pursuit
- Emergency Aid

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Search Incident to Arrest

- Purpose:
  - discover weapons;
  - prevent destruction or concealment of evidence; and/or,
  - discover any tools that may be used to later escape.
- There must be an arrest and search must be contemporaneous to arrest.
- Scope includes area within the persons "immediate control".
  - Immediate control considerations: 1) distance; 2) restraints; 3) positioning of officers and suspect; 4) access; 5) number of officers versus number of suspects

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Frisk

- Narrow in scope
- May be conducted upon reasonable, articulable belief that armed and dangerous
- May only be a patdown

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Protective Sweep

- Not automatic simply because officers are in a house to arrest someone
- Only done in conjunction with an in-home arrest when officer possesses reasonable belief based on specific and articulable facts that the particular area to be swept harbors individual(s) posing a danger to officers on the scene
- Examples of specific and articulable facts warranting protective sweep
  - History of weapons use and/or possession
  - Violent criminal history
  - Gang involvement
  - Noise from supposedly unoccupied part of house
  - Information from surveillance

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ICE

Vehicle Inventory

- After taking custody of a vehicle, police may conduct an inventory search provided the officer's custody was lawful and it is done according to policy

- A vehicle inventory search cannot be done without a written policy. ERO does not have such a policy and therefore cannot do a vehicle inventory

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ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000328

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Plain View

- Officer must have plain view from lawful vantage point
- Must have lawful right of access
- Illegal/evidentiary nature must be immediately recognizable

ICE

Hot Pursuit

- Applies if:
  - Probable cause to arrest the suspect;
  - Crime involved is serious; and
  - In immediate or continuous pursuit of suspect.
- When can "hot pursuit" be justified?:
  - articulable belief that evidence will be removed and/or destroyed (likely rare for ERO); or
  - Immediate safety risks to officers or others (balancing officer safety in taking action)

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ICE

Emergency Aid/Exigent Circumstances

- Exception permits law enforcement officers to enter a home without a warrant based on exigent circumstances such as the need to render emergency assistance to an injured occupant or to protect an occupant from imminent injury

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ICE

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Violations of the Fourth Amendment

- DHS is required to establish alienage to begin every case; usually alien's admission is in I-213.
- *Exclusionary rule* is applied if officer did not have a warrant and there was no applicable exception to the need for a warrant.
  - All evidence obtained in violation of the Fourth Amendment will be inadmissible at trial, including all derivative evidence in I-213.
  - Arrested individual may be released and case may be terminated.
  - Officer may be personally liable for his/her actions.
    - OPR investigation
    - *Bivens* action

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Violations of the Fourth Amendment

- Exclusionary rule applies differently in different Circuit Courts of Appeal.
  - 1st, 2nd, 8th, and 9th Circuits lead the way in finding officers' conduct to be "egregious" warranting exclusion of evidence.
  - Still open question in 3rd, 4th, 6th, 10th, and 11th Circuits.
- Familiarize yourself with the parameters of what will be considered a Fourth Amendment violation in your Circuit by getting guidance from your local Office of Chief Counsel.

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ICE

Violations of the Fourth Amendment

- Most likely setting for challenge to evidence is when officers enter a residence
- Attorneys in local Office of Chief Counsel will try to salvage cases where Immigration Judges exclude evidence based on Fourth Amendment violations
- But if the alien's admission in the I-213 is the only evidence of alienage, and the I-213 is excluded based on a Fourth Amendment violation, your case will be terminated and the alien will go free
- Termination will occur regardless of the alien's dangerousness, since DHS cannot prove case without evidence of alienage

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Bivens Action:

- Is a lawsuit against an individual officer that alleges the individual officer knowingly violated the plaintiff's constitutional rights
- Is filed against the individual(s) only, for $$ damages
- Usually arises from an officer's personal involvement in a violation of a "clearly established" Federal constitutional right
- Requires that the violation result from knowing, deliberate indifference or plain incompetence
- Requires that DOJ representation be requested
- Is conducted as a trial by jury and punitive damages and attorneys fees may be awarded

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ICE

Hypothetical #1

You and your team go to a house where you believe the target lives. Nobody answers the knock on the door and nobody appears to be home. A neighbor, Paul, is outside working on his car. You tell the neighbor why you are there; that you have an arrest warrant for the target; and you ask Paul to verify that the target lives next door. Paul, eager to help, offers to go into the house under the guise of borrowing tools, and while there, will look for documents in the house to the verify the occupants identity. The idea was Paul's and none of the officers help him come up with the plan. Government action?

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Hypothetical #1: Answer

Yes, Government action

Although officers did not direct Paul, once the officers know of his plan and his purpose for involvement the Fourth Amendment is applicable

Conversely, if Paul happens to be in his neighbor's house (the target) and finds information on the target that leads him to believe the person is unlawfully present, which leads him to call ICE, there is no Government action

U.S. Immigration and Customs Enforcement

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ICE

Hypothetical #2

Officers approach a house where they believe the target lives. When they knock on the door, nobody answers the door, but the officers can hear a man yell to someone inside: "You called ICE on me? I'm going to kill you!" The officers can then hear what sounds like the man beating someone and a woman screaming: "Please don't, please don't." The officers break down the door, arrest the man and call an ambulance for the woman. Did the ERO officers act properly?

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Hypothetical #2: Answer

Yes, the ERO officers acted properly

Officers do not need consent, positive identification, or a warrant when emergency assistance is needed.

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Hypothetical #3

Lars, an adult fugitive alien, rents an apartment on the 1st floor of a ten unit complex. Many of his neighbors need to walk past his front door to reach their apartments. ICE officers go to Lars' apartment, knock on the door and request permission to enter. Lars says, "I don't have to let you in." One of the officers says: "That's correct, but all of your neighbors can see us standing here and wonder what you have done." Embarrassed that officers could be seen standing at this door, Lars lets the officers inside. Was Lars' consent voluntary?

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Hypothetical #3: Answer

Yes, Lars' consent was voluntary

While consent may not be gained through coercion, embarrassment does not constitute coercion

U.S. Immigration and Customs Enforcement

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ICE

Hypothetical #4

Officers go to the target alien's house. The target alien's wife answers the door. She is clearly intoxicated. An officer asks her if they may enter the house. She gives consent. Is consent valid?

U.S. Immigration and Customs Enforcement

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ICE

Hypothetical #4: Answer

It depends

The mere fact that someone is intoxicated does not render consent involuntary. However, the person does need to be mentally aware that they are giving consent and appreciate the consequences of giving consent

U.S. Immigration and Customs Enforcement

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ICE

Hypothetical #5

George is the target. Officers approach George's house and knock on the door. George answers the door and is standing within arm's reach of the officers. The officers, armed with an outstanding order of removal and an administrative arrest warrant, reach into the house, grab George and pull him out so that they can effectuate his arrest. Was this proper?

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Hypothetical #5

No, the officers did not act properly

Even if the target is visible and within reach, officers should never reach into a house to pull a target outside and effectuate an arrest

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QUESTIONS?

ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000346

U.S. Immigration
and Customs
Enforcement

ICE

U.S. Immigration and Customs Enforcement

Employee Training Checklist

Office: Birmingham ERO- Fug/Ops & CAP

Course Title: 4th Amend Refresher Taining

Date: 05/05/2011

Date Course Taken	Print Name LAST,	FIRST	MI	TITLE	Status	
e.g. (01/01/0000)	e.g. (Doe)	e.g. (Jane)	e.g. (E.)	e.g. (DO; IEA)	COMPLETED	NOT COMPLETED
05/05/2011	(b)(6),(b)(7)(C)			SDDO	X	
05/05/2011				DO	X	
05/05/2011				DO	X	
05/05/2011				DO	X	
05/05/2011				IEA	X	
05/05/2011				DO	X	
05/05/2011				AFOD	X	
05/05/2011				IEA	Y	
05/05/2011						
05/05/2011						
05/05/2011						
05/05/2011						
05/05/2011						

U.S. Immigration and Customs Enforcement

Employee Training Checklist

Office: Birmingham ERO- Fug/Ops and CAP

Course Title: 4th Amend Refresher Training

Date: 11/03/2011

Date Course Taken	Print Name LAST,	FIRST	MI	TITLE	Status	
e.g. (01/01/0000)	e.g. (Doe)	e.g. (Jane)	e.g. (E.)	e.g. (DO; IEA)	COMPLETED	NOT COMPLETED
11/3/2011	(b)(6),(b)(7)(C)			SDDO	X	
11/3/2011				DO	X	
11/3/2011				DO	X	
11/3/2011				DO	X	
11/3/2011				DO	X	
11/3/2011				SIEA	X	
11/3/2011				IEA	X	
11/3/2011				IEA	X	

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000348

U.S. Immigration and Customs Enforcement

Employee Training Checklist

Office: USE OF FORCE 06/10/2011

Course Title: DEFENSIVE TACTICS

Date: 06/10/2011

Date Course Taken	Print Name LAST,	FIRST	MI	TITLE	Status	
e.g. (01/01/0000)	e.g. (Doe)	e.g. (Jane)	e.g. (E.)	e.g. (DO; IEA)	COMPLETED	NOT COMPLETED
6-10-11	(b)(6),(b)(7)(C)			DO	X	
6-10-11				IEA	X	
6-10-11				DO	X	
6.10.11				IEA	X	
6-10-11				DO	X	
6/10/2011				AFOD	X	
6/10/2011				SDDO	X	
6/10/11				DO	X	

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000349

Homeland Security Investigations
Office of the Special Agent in Charge

601 W. 26th Street, Suite 700
New York, NY 10001

Homeland Security

OCT 24 2013

MEMORANDUM FOR: (b)(6),(b)(7)(C) Unit Chief
Management Oversight Unit
Homeland Security Investigations

FROM: (b)(6),(b)(7)(C)
Special Agent in Ch
HSI New York

(b)(6),(b)(7)(C)

SUBJECT: **ACTION MEMORANDUM**
Management Referral #201311732
Subject: Raab, Robert

TYPE: **Management Referral**

FINDING: **( ) Referred to Management (X) Not Referred to Management**

ACTION TAKEN (check all that apply, and include documentation for action(s) taken):

Date Action Taken: **Not Applicable**

(X) No Action (provide details)
( ) Counseling
( ) Verbal Reprimand
( ) Written Reprimand
( ) Suspension: number of days _____
( ) Reduction in Grade
( ) Removal
( ) Remedial: ( ) reassignment, ( ) training, or ( ) letter of caution

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000350

Office of the Assistant Secretary

U.S. Department of Homeland Security
425 I Street, N.W., Room 6100
Washington, DC 20536

NOV 26 2003

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR ALL SPECIAL AGENTS-IN-CHARGE
ALL FIELD OFFICE DIRECTORS

FROM: Michael J. Garcia
Assistant Secretary

SUBJECT: Superceding Guidance re. Implementation of General Arrest Authority

The purpose of this memorandum is to implement General Arrest Authority for legacy Immigration and Naturalization Service (INS) enforcement officers. It replaces the November 4, 2003 memorandum on this issue. This memorandum will ensure all U.S. Immigration and Customs Enforcement (ICE) officers have the required tools, authorities, and training to perform their duties. Legacy Customs Special Agents will continue to use their existing authority under Customs law, regulations and policies, including specific guidelines for responding to violations of state laws, so no additional actions are required for those employees at this time.

Immigration enforcement officers often encounter violators of federal laws in the course of their normal duties. Recognizing this, Congress included provisions in the Immigration Act of 1990 to enhance the authority of INS officers to make arrests for non-immigration offenses.

Section 287(a)(5)(A) of the Act provides immigration officers with the statutory authority to make arrests without a warrant "for any offense against the United States, if the offense is committed in the officer's...presence...if the officer...is performing duties relating to the enforcement of the immigration laws at the time of the arrest...." This enhanced arrest authority is commonly referred to as "General Arrest Authority."

This memorandum modifies the August 29, 1994, policy memorandum regarding the implementation of section 287(a)(5)(A) as it pertains to the legacy INS enforcement components now assigned to ICE. ICE Special Agents, Deportation Officers, and Immigration Enforcement Agents who have successfully completed basic immigration law enforcement training may make arrests without warrants for federal non-immigration offenses committed in their presence when there is a likelihood the person will escape before an arrest warrant can be obtained. General Arrest Authority under section 287(a) (5) (A) does not apply to state laws or local ordinances, or to offenses not committed in an officer's presence.

Please ensure that all offices under your jurisdiction implement these instructions immediately.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000351

U.S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

425 I Street NW
Washington, DC 20536

NOV - 4 2003

MEMORANDUM FOR ALL SPECIAL AGENTS-IN-CHARGE
ALL FIELD OFFICE DIRECTORS

FROM: Michael J. Garcia
Acting Assistant Secretary

SUBJECT: Implementation of General Arrest Authority

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Please ensure that all offices under your jurisdiction implement these instructions immediately.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release 000352

(b)(6),(b)(7)(C)

Memorandum

RECEIVED

SEP 0 1 1994

BORDER PATROL ACADEMY
GLYNCO, GEORGIA

cc: EXEC STAFF 9/1

Subject	Date
General Arrest Regulations - Implementation	AUG 29 1994

To: INS Management Team
District Directors
Chief Patrol Agents

From: Office of the Commissioner

Attached is a copy of the General Arrest Regulations which were published as a final rule in the Federal Register on August 17, 1994.

The effective date for all sections of the regulations is one year from date of publication, during which time a training curriculum will be developed and approximately 10,000 immigration officers trained and certified in new enforcement authorities and standards. This will ensure a unified implementation approach nationwide rather than one whereby some immigration officers have general arrest authority while other officers do not because they are awaiting training and certification.

It is important to note that the statute stipulates that no immigration officer has full general arrest authority until such time as he or she has received certification as having completed a training program which covers the general arrest provisions and the enforcement standards. Also, I do not intend to grant authority to immigration officers to implement any section of the general arrest regulations prior to completion of the training and certification process Servicewide. Upon completion of that process, I will notify you of the specific date that the regulations are to be implemented. Please ensure that all immigration officers under your jurisdiction understand that at this point in time they are not authorized to enforce the general laws of the United States. This does not effect their ability to continue to exercise their current authorities.

In addition to the General Arrest training, the regulations require the successful completion of basic immigration law enforcement training, or training deemed substantially equivalent thereto, in order to exercise any of the enforcement authorities. The Director of Training will be issuing guidelines regarding the process for satisfying all of the training requirements identified in the regulations.

You should take pride in knowing that the Department of Justice intends to utilize these regulations as a model for all other law enforcement agencies seeking the Attorney General's

FILE COPY

Form G-2
(Rev. 1-2-84)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000353

authorization. In fact, the Immigration and Naturalization Service (Service) is the first Federal agency required by statute to establish and codify enforcement standards.

These regulations are of utmost importance to the Service. By establishing clear policy objectives, proper training criteria, and high standards of conduct, the regulations will ensure consistent law enforcement practices and advance my goal of making the Service a model of professionalism. I seek your support and cooperation throughout the implementation process.

Doris Meissner
Commissioner

Attachment

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000354

Verbal Advisement
Title 18, United States Code, Section 1001

Department of Homeland Security
U.S. Immigration and Customs Enforcement

Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branches of the Government of the United States, knowingly and willfully:

1) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

2) Makes any materially false, fictitious, or fraudulent statement or representation; or

3) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than five (5) years, or both.

I have been advised that Title 18, United States Code, Section 1001, is a federal law. I have read the above information and understand the provisions of Title 18, United States Code, Section 1001, and the possible penalties for violation of this law. I also understand that violation of this law is a felony offense.

This advisement was made prior to the interview of (b)(6),(b)(7)(C) (employee's name), on 2/7/2012 (month, day, year) at 0745 am (time, a.m./p.m.).

(b)(6),(b)(7)(C) (print name)
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C) (print name)
Witness

Appendix C

Disclosure Warning for Non-Bargaining Unit Employees

Department of Homeland Security
U.S. Immigration and Customs Enforcement

WARNING TO NOT DISCLOSE INVESTIGATIVE INFORMATION

You are being interviewed as part of a continuing, official investigation by the U.S. immigration and Customs Enforcement, Office of Professional Responsibility. As this investigation is sensitive in nature, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

I (b)(6),(b)(7)(C) have read and understand the above warning.

(b)(6),(b)(7)(C)

Signature

2/7/2012

Date

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I (b)(6),(b)(7)(C), being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, SAs (b)(6), and (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C), at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C. along with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) with the (b)(6),(b)(7)(C) Birmingham, AL.

(b)(6),(provided SA (b)(6),(with a document stating that (b)(6), was representing (b)(6),(b)(7)(C) in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. (b)(6),(b) signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The Interpreter used was (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that he was arrested on December 11, 2011 at (b)(6),(b)(7)(C) Rainsville, AL. (b)(6),(b) stated that his wife and three children live at the residence with him.

(b)(6),(b)(7)(C) stated that when the officers arrived they spoke English and he did not understand very much.

(b)(6),(b)(7)(C) stated that he was sleeping the morning the officers came and knocked on the door. (b)(6),(b)(stated that he told his wife, (b)(6),(b)(7 to open the door. The officers came inside his residence and walked into his bedroom.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000357

(b)(6),(b)(7)(C) stated that a male officer was walking toward the bedroom when his wife stopped the officer and told him that he (b)(6),(b)(was getting dressed. (b)(6),(b) stated that there was also a female officer there and she stayed in the front living room.

(b)(6),(b) stated that his wife and two children were home when the officers arrived.

(b)(6),(b)(7)(C) stated that the male officer stood there and never said much of anything. (b)(6),(b)(7)(C) stated that when he came into the living room the officer put handcuffs on him and advised him that that they had a warrant for his arrest.

(b)(6),(b) stated that his wife speaks English and witnessed his arrest. (b)(6),(b)(7)(C) stated that when he was arrested his wife panicked and started crying becoming upset.

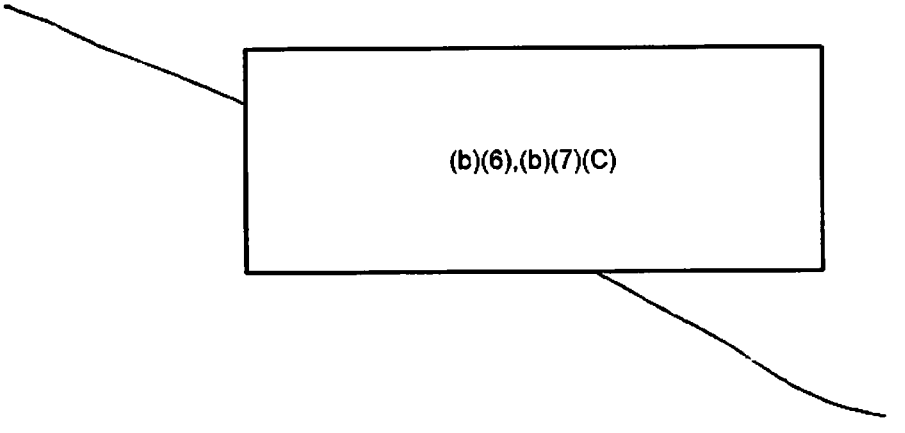
(b)(6),(b) stated that his wife asked the officers why he was being arrested and the officers said that they were taking him for a few hours and would be back after they get fingerprints from him.

(b)(6),(b) stated that after the officers handcuffed him they put him in the back of a mini-van. (b)(6),(b) stated that the officers drove to several locations looking for other people to arrest, but found no one. Afterwards (b)(6),(b) stated that he was then taken to Chattanooga.

(b)(6),(b)(stated he was not mistreated in any way by the officers – until he got to Chattanooga. (b)(6),(b stated that when he was in the cell the officers began to feed him and the officer threw a hamburger at him. (b)(6),(b) stated that it made him feel like he was being treated like a dog and he refused to eat.

(b)(6),(b stated that he was not physically injured in any way that day by the officers.

(b)(6),(b) stated that there was another person arrested by the name of (b)(6) who was in the cell with him when the officers threw the hamburgers at them.



ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000358

(b)(6),(b)(stated that when the officers arrested him they were wearing vests with ICE on it. (b)(6),(b)(stated that when he first saw the officers he thought they were the police and then he found out they were immigration. (b)(6),(b)(stated that he did not know what ICE meant.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Affiant

Before me this 10th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000359

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, SAs (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C, along with (b)(6),(b)(7)(C) (b)(6),(b)(7) with the (b)(6),(b)(7)(C) Birmingham, AL.

SPLC provided SA (b)(6), with a document stating that (b)(6), was representing (b)(6), in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area (b)(6),(b)(7)(C) signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The interpreter used was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6), stated that he was arrested on December 11, 2011, at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Ft. Payne, AL. (b)(6),(b)(7)(stated that his wife, two sons (ages 6 and 11), and two daughters (ages 3-12) live at the residence with him.

(b)(6),(b)(7)(stated that the officers there spoke English and some Spanish.

(b)(6),(b)(7)(stated that there were three officers at his residence that day, and not one officer identified themselves.

(b)(6),(b)(7)(stated that when the officers arrived he was in his bedroom along with his wife when the officers began banging on the front door. (b)(6),(b)(7)(C stated that one of his daughters opened the front door, and the officers rushed into the residence.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000360

(b)(6),(b stated that one officer came into the bedroom where he was and grabbed him saying he (b)(6),(b)(7)(C) was under arrest (b)(6), (b)(7)(stated that the officer pulled his hands behind his back and handcuffed him. (b)(6), (b)(7)(stated that the handcuffs were tight and it hurt his wrists. (b)(6), stated that he was escorted out to a car. The other (b)(officers stayed in the living room.

(b)(6),(stated that although his handcuffs were too tight and his hands were in pain he did not report it to the officers. (b)(6), (b)(7)(stated that he had scratches and bruises on his hands, but then they went away.

(b)(6), (b)(7)(stated that the officers were wearing a vest with something written on the back, but he does not remember what it was. (b)(6), (b)(7)(C stated he did remember seeing a badge on the officers' chest, but none of the officer identified himself.

(b)(6),(b tated that no one from his family gave the officers permission to enter his residence.

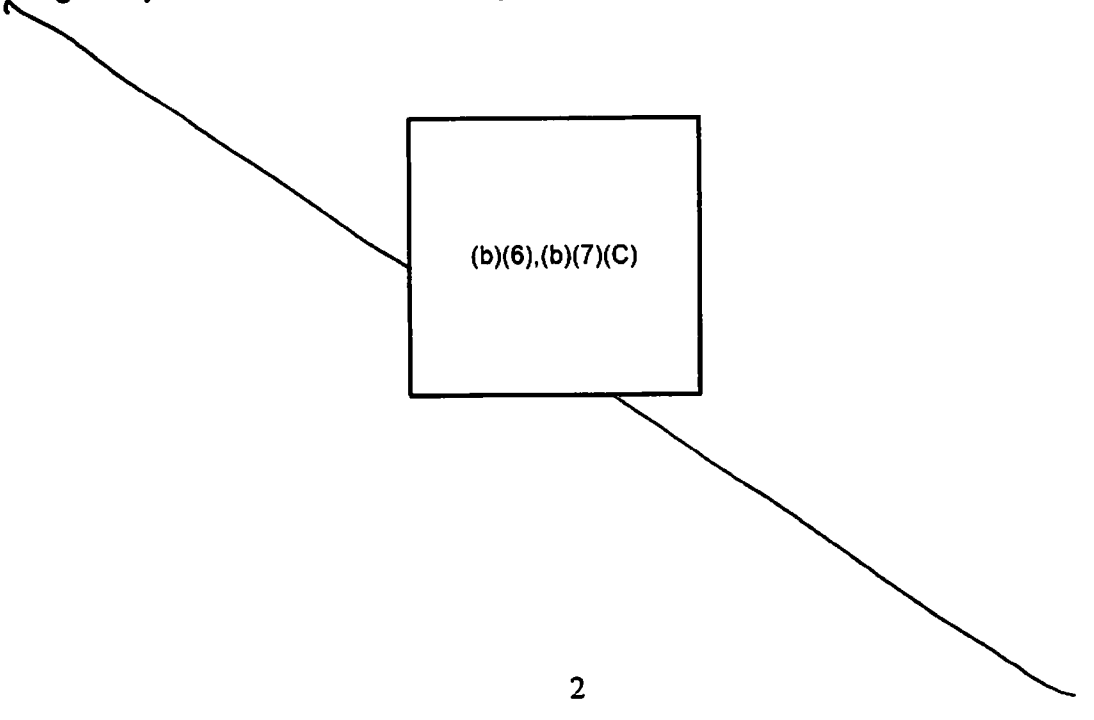
(b)(6), (b)(7)(stated that only (b)(7) officers entered his residence, but he does not remember what the officers looked like.

(b)(6), (b)(7)(stated that his wife and daughters were home at the time of his arrest.

(b)(6), (b)(7)(stated that he does not remember which daughter opened the door.

(b)(6), stated that he did recognize the officer in the bedroom as a police officer by the type of clothes he was wearing.

(b) (6),(b stated that after they arrested him he was driven to Chattanooga and did not get any food until he was in the jail.



ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000361

(b)(6),(stated that the officers were at his home for approximately a few minutes.

End

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Affiant

Before me this 18th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000362

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, SAs (b)(6),(b)(7)(C), OPR/NO interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C, along with (b)(6),(b)(7)(C) with the (b)(6),(b)(7)(C) Birmingham, AL.

(b)(6),(provided SA (b)(6), with a document stating that (b)(6), was representing (b)(6),(b) in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. (b)(6), (b)(7)(C) signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The Interpreter used was (b)(6),(b)(7)(

(b)(6),(b) (7)(C) stated that he was arrested on December 11, 2011 at (b)(6),(b)(7)(C) Rainsville, AL. (b)(6),(b) (7)(C) stated that his wife and three children live at the residence with him.

(b)(6),(b) (7)(C) stated that when the officers arrived they spoke English and he did not understand very much.

(b)(6),(b) (7)(C) stated that he was sleeping the morning the officers came and knocked on the door. (b)(6),(b)(stated that he told his wife, (b)(6),(b)(7) (C) o open the door. The officers came inside his residence and walked into his bedroom.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000363

(b)(6),(b)(7)(C) stated that a male officer was walking toward the bedroom when his wife stopped the officer and told him that he (b)(6),(b)(7)(C) was getting dressed. (b)(6),(b)(stated that there was also a female officer there and she stayed in the front living room.

(b)(6),(b)(7)(C) stated that his wife and two children were home when the officers arrived.

(b)(6),(b)(7)(C) stated that the male officer stood there and never said much of anything. (b)(6),(b)(7)(C) stated that when he came into the living room the officer put handcuffs on him and advised him that that they had a warrant for his arrest.

(b)(6),(b)(7)(C) stated that his wife speaks English and witnessed his arrest. (b)(6),(b)(7)(C) stated that when he was arrested his wife panicked and started crying becoming upset.

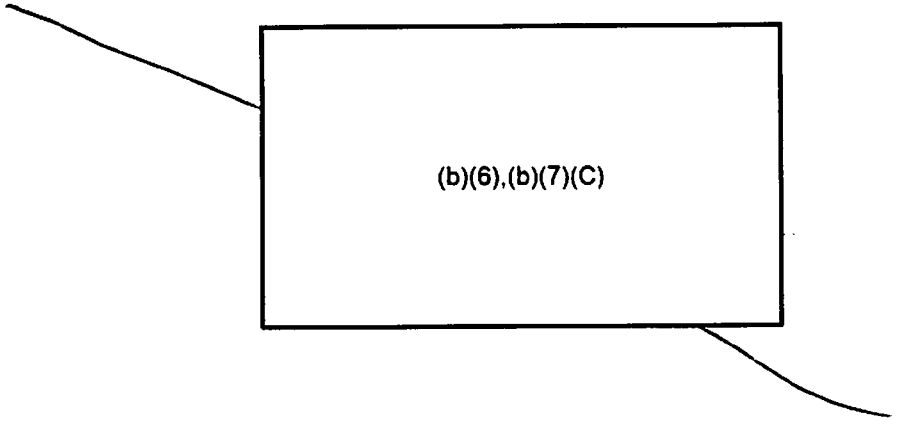
(b)(6),(b) stated that his wife asked the officers why he was being arrested and the officers said that they were taking him for a few hours and would be back after they get fingerprints from him.

(b)(6),(b) stated that after the officers handcuffed him they put him in the back of a mini-van. (b)(6),(b)(stated that the officers drove to several locations looking for other people to arrest, but found no one. Afterwards (b)(6),(b)(7)(C) stated that he was then taken to Chattanooga.

(b)(6),(b)(7)(C) stated he was not mistreated in any way by the officers – until he got to Chattanooga. (b)(6),(b) stated that when he was in the cell the officers began to feed him and the officer threw a hamburger at him. (b)(6),(b)(7)(C) stated that it made him feel like he was being treated like a dog and he refused to eat.

(b)(6),(b) stated that he was not physically injured in any way that day by the officers.

(b)(6),(b)(7)(C) stated that there was another person arrested by the name of (b)(6),(b who was in the cell with him when the officers threw the hamburgers at them.



ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000364

(b)(6),(b)(7)(C) stated that when the officers arrested him they put him in a car with two other people that were arrested and they were then taken to Chattanooga.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Affiant

Before me this 10th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000365

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, SAs (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C, along with (b)(6),(b)(7)(C) (b)(6),(b)(with the (b)(6),(b)(7)(C) Birmingham, AL.

(b)(6),(provided SA (b)(6) with a document stating that (b)(6), was representing (b)(6),(b) in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. (b)(6),(b signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The interpreter used was (b)(6),(b (b)(6),(b)(7)(

(b)(6),(b) stated that he was arrested on December 11, 2011, at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Ft. Payne, AL. (b)(6),(b)(7)(C) stated that his wife was at home and she witnessed his arrest.

(b)(6),(b) stated when the officers arrived they spoke two languages English and Spanish and that he understood some English. (b)(6),(b) stated he did not know the names of the officers because no one identified themselves. (b)(6),(b) stated that there were (b)(6 officers that arrived at his residence, and they were wearing a uniform type with ICE on their back.

(b)(6),(b)(stated that the officers did not ask him if they could enter his residence and that his wife stated that she did not give permission for the officers to enter.

(b)(6),(b) stated that his wife was leaving the residence to go to work, and when she was out by her car the officers approached her. (b)(6),(b)(stated his wife

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000366

knocked on the front door before she entered the residence. (b)(6),(b) stated that when he answered the front door his wife said that the police was here to speak with him. (b)(6),(b)(7)(C) stated his wife does not speak English and when she came back into the residence the (b)(officers came in behind her. (b)(6),(b) stated no one gave permission for the officers to enter his residence behind his wife.

(b)(6),(b)(stated that when the officers came into the residence they called him by his name. (b)(6),(b) stated that the officers advised him they had a warrant for his arrest, and (b)(6),(b asked for what reason? (b)(6),(b) stated the officers did not reply to him.

(b)(6),(b)(7)(C) stated he was wearing his sleeping clothes when the officers came in and he wanted to change. (b)(6),(b) stated that the officers said that the clothes he had on was alright to wear. (b)(6),(b)(stated that he started to walk toward the bedroom when the officers stopped him, and when he went to pick up his shoes the officers grabbed him throwing him to the floor. (b)(6),(b) stated that the officers placed his hands behind his back twisting his arm while handcuffing him. (b)(6),(b) stated that several officers then put their foot on his back. (b)(6),(b)(stated that his wife witnessed him being arrested, and that he still hurts from the injury he received on his left shoulder.

(b)(6),(b) stated he did not ask for medical treatment and he told one of the officers at his residence that his shoulder was injured. (b)(6),(b) stated that he told an (b)(6),(b)(7)(C) officer that his shoulder was injured, and the officer laughed at him. (b)(6),(b)(stated he did not tell anyone in Chattanooga about being injured because he thought no one would care.

After arriving at the LaSalle Detention Facility (b)(6),(b)(7)(C) stated he advised the officers there that his shoulder was injured, but he did not tell them how he injured it. (b)(6),(b) stated the jail gave him some aspirin for his pain.

(b)(6),(b) stated that when he arrived at the jail in Chattanooga one of the officers brought food to him and threw a hamburger on the floor.

(b)(6),(b) stated that when he first encountered the officers at his residence they were wearing a jacket with ICE written on it. (b)(6),(b) stated that at first, he thought they were police officers, but then he saw ICE on their jackets.

(b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000367

(b)(6),(b)(7)(C) stated that the officers were at his residence for approximately 30-40 minutes.

End.

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Before me this 18th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000368

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C. along with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) with the (b)(6),(b)(7)(C) Birmingham, AL.

SPLC provided SA (b)(6),(b)(7)(C) with a document stating that (b)(6),(b)(7)(C) was representing (b)(6),(b)(7)(C) in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. (b)(6),(b)(7)(C) signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The Interpreter used was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that he was arrested on December (b)(6),(b)(7)(C) 2011, at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, AL. (b)(6),(b)(7)(C) stated that his wife, Mother, stepfather, his two sons, his daughter, cousin and her boyfriend and his cousin's daughter live at the residence with him.

(b)(6),(b)(7)(C) stated that one of the officers spoke very little Spanish.

(b)(6),(b)(7)(C) stated that there was one male officer and (b)(7)(E) officer that was at his residence, but more officers arrived later.

(b)(6),(b)(7)(C) stated that he was putting clothes in his car to take to the laundry when he noticed the officers arriving, and he started walking back to his residence to get more clothes to put in his car.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000369

(b)(6),(b)(7)(C) stated he noticed the officers arrived in a gray color car and when they got out of the vehicle they had the word ICE on the backs of their jackets. (b)(6),(b)(7)(C) stated that he noticed a gun and badge on the officers as well.

(b)(6),(b)(7)(C) stated that before he could get back to his trailer (b)(officers grabbed had him and threw him to the ground right outside his front door of his trailer. (b)(6),(b)(7)(C) stated that when he hit the ground he cut his left cheek next to his eye on a board and was bleeding. (b)(6),(b)(7)(C) stated that the officers forced his hands behind his back and handcuffed him. (b)(6),(b)(7)(C) stated that his mother and his son witnessed the officers throwing him to the ground.

(b)(6),(b)(7)(C) stated that after handcuffing him the officers then went into his residence. stated that the officers came into his residence, and the (b)(7) officers did the searching while the (b)(6),(b officer stayed with him. (b)(6),(b)(7)(C) stated that the officers did not have permission to enter his residence.

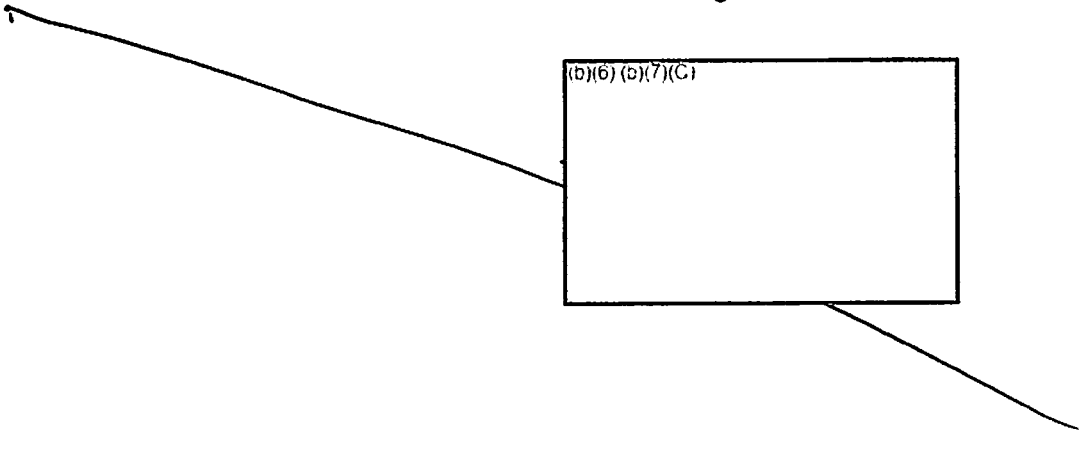
(b)(6),(b)(7)(C) stated that the officers made him in stay the living room while they went searching in the other rooms. (b)(6),(b)(7)(C) stated that the officers also arrested his cousin's boyfriend named (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that he was arrested outside his home and that his handcuffs were too tight on him.

(b)(6),(b)(7)(C) stated that he did not mention anything else about his cheek, although it was bleeding and was swelling. (b)(6),(b)(7)(C) stated that one of the officers did look at his cheek, but said nothing. (b)(6),(b)(7)(C) stated that he did not ask the officers for any medical treatment.

(b)(6),(b)(7)(C) stated that when they left his residence the officers drove to several other residences looking for individuals to arrest before taking him to Chattanooga. (b)(6),(b)(7)(C) stated he remembers three other people that were arrested in the car with him.

(b)(6),(b)(7)(C) stated that he knew that the officers were from ICE because he saw them on television before, and he knew it was immigration.



ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000370

(b)(6),(b) stated that the officers were at his home for approximately 30-40 minutes.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Before me this 18th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000371

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On February 14, 2012, SA (b)(6), interviewed detainee (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) at LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) New Orleans.

The interpreter used was (b)(6),(b)(7)(C) and was provided by CRCL.

During the interview on February 14, 2012, detainee (b)(6), (b)(7)(C) stated that he was not telling the truth when he gave his statement to OPR/NO on December 29, 2011. In that statement, detainee (b)(6) stated that he was in his bedroom with his wife when the officers banged on the front door, and one of his daughters opened the door. Detainee (b)(6), stated that when his daughter opened the door the officers rushed in to the residence, and then came into his bedroom grabbing and arresting him. Detainee (b)(6),(stated that (b)(officer came into the bedroom where he was, and the other (b)(officers stayed in the living room. Detainee (b)(6), stated that no one gave the officers permission to enter his residence.

Detainee (b)(6),(stated that the truth is he was setting in his living room when the officers came and knocked on his front door. When he looked out the window he noticed who the officers were, so he ran and hid in a small room that contains the hot water heater. The room is located near the laundry room next to the kitchen. Detainee (b)(6), stated that while he was hiding he could not see or hear anything that was going on when the officers entered the residence.

Detainee (b)(6), stated that after the officers entered they were walking around the kitchen area, and they shined a flashlight into the area where he was hiding. When the officers saw him hiding they ordered him out of the room and placed handcuffs on him.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000372

Detainee (b)(6),(b) stated that he was sorry for not being honest in the first statement. Detainee (b)(6),(b)(7)(C) stated that he did not see his daughter open the front door or see the officers rushing into the residence as he previously stated.

Detainee (b)(6),(b) tated that after he was arrested he and his wife spoke over the telephone, and they came up with the original story because he was afraid of being deported. Detainee (b)(6),(b) and his wife thought that the original story may help him to stay in the United States.

Detainee (b)(6), also admitted that the statement that his wife (b)(6),(b)(7)(C) gave to OPR/NO on January 26, 2012, is also a false statement. Detainee (b)(6),(b)(7)(C) stated that his wife was doing it to help protect him.

Detainee (b)(6),(b)(7)(C) apologized for him and his wife not telling the truth, but that he was worried about being deported.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by;

_____

Affiant

Before me this 15 th day of February 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000373

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6),(b)(7)(C) stated that he was arrested on December 11, 2011, at his residence located at (b)(6),(b)(7)(C) Fort Payne, AL.

(b)(6),(b)(7)(C) stated that he was standing in the kitchen of his residence when he heard a knock on his front door. (b)(6),(b)(7)(C) stated that he did not see who opened the door, but did overhear the officers talking in the living room. (b)(6),(b)(7)(C) stated that there were three white male officers, and (b)(officer spoke some Spanish.

(b)(6),(b)(7)(C) stated that when the officers saw him they asked him for his identification, and then told him to sit on the couch. The officers asked (b)(6),(b)(7)(C) where his brother (b)(6),(b)(7)(C) was, and (b)(6),(b)(7)(C) stated he did not know. The officers were also talking with a (b)(6),(b)(7)(C) who is the daughter of his sister-in-law, (b)(6),(b)(7)(C) spoke English and was communicating with the officers.

(b)(6),(b)(7)(C) stated that his sister-in-law went to the bedroom to search for his (b)(6),(b)(7)(C) passport, and (b)(7)(the officers followed her. The officers began searching the entire house including his bedroom. (b)(6),(b)(stated he did not give the officers permission to search the residence or his bedroom.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000374

(b)(6),(b)(7)(C) stated that he showed the officers his documentation, and the officers advised him that he and his brother (b)(6),(b)(7 were going to be arrested. (b)(6),(b) stated that when the officer put the handcuffs on him they were tight and they hurt his wrist.

(b)(6),(b)(7)(C) stated that after being arrested he was transported to Chattanooga. stated the only injury he had was from the handcuffs being too tight.

(b)(6),(b) stated that he was transported to Chattanooga for processing.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Before me this 31st day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000375

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C, along with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) with the (b)(6),(b)(7)(C), Birmingham, AL.

SPLC provided SA (b)(6),(b)(7)(C) with a document stating that (b)(6),(was representing (b)(6),(b)(7)(C) in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. (b)(6),(b)(7)(C) signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The Interpreter used was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that he was arrested on December 9, 2011, at (b)(6),(b)(7)(C) (b)(6),(b) Scottsboro, AL. (b)(6),(b)(7)(C) stated that he along with his wife and six children live at the residence.

(b)(6),(b)(7)(C) stated when he encountered the officers they spoke only English. stated that (b)(7)(E) officers arrived in a truck, and all the officers there were wearing a vest with ICE written on it, but none of the officers identified themselves.

(b)(6),(b)(7)(C) stated that he was in his car in the driveway with his wife and two daughters when the officers approached him and asked if his name was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) stated that he acknowledge to the officers that it was and the officer said they had a deportation warrant from 1996. (b)(6),(b)(7)(C) stated that the officers asked him for identification in which he showed them. (b)(6),(b)(stated his wife said she could show the officers some papers that she had from ICE that

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000376

were in their residence. (b)(6),(b)(7)(C) stated that when he and his wife went inside their residence, the officers followed them inside. (b)(6),(b)(7)(C) stated that he did not give permission for the officers to enter his residence.

(b)(6),(b)(7)(C) stated that his wife was in the living room, and when she went to the bedroom an officer followed her. When she found the papers from ICE she showed the officers. (b)(6),(b)(7)(C) stated that the officer looked at the documents and he then told him (b)(6),(b)(7)(C) to take everything out of his pockets, and then placing handcuffs on him.

(b)(6),(b)(7)(C) stated he does not feel that he was mistreated by the officers, and that he was not injured in any way physically by the officers.

End

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Affiant

Before me this 18 th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000377

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 5, 2012, I re-interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Center in Jena, Louisiana. Present at the interview was Attorney (b)(6),(b)(7)(C) who represents detainee Gaspar.

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

Detainee (b)(6),(b)(7)(C) made numerous changes to the statement he previously provided to OPR/NO on December 29, 2011. Detainee (b)(6),(b)(7)(C) previously stated that on observing ICE pull into his driveway he began walking back to his residence and that is when (b)(7) officers grabbed him, and threw him to the ground. When detainee (b)(6),(b)(7)(C) hit the ground he cut his left cheek causing it to bleed. Detainee (b)(6),(b)(7)(C) stated that the officers put handcuffs on him and took him inside his residence. The officers then began searching the residence in all the rooms.

Detainee (b)(6),(b)(7)(C) now states that he noticed ICE pull in to his driveway, and he began walking very fast to the front door of his residence because he knew it was an ICE officer. Before he could get to the front door, an officer grabbed him, and threw him across the front porch. He was then handcuffed, and taken back to where another officer was located in the driveway.

Detainee (b)(6),(b)(7)(C) stated that he never cut his left cheek. When asked why he said this in the previous statement he replied that he did not remember saying that.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000378

He stated that he did not give the officers permission to enter his residence, but his mother and father were present, and he did not know if they gave the officers permission to enter.

Detainee (b)(6),(b)(7)(C) stated that when the officers were inside the residence no one told the officers that they could not enter. Detainee (b)(6),(b)(7)(C) stated that the officers made him sit on the couch while they searched all of the bedrooms including his bedroom.

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Affiant

Before me this 8th day of March 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000379

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On December 29, 2011, SAs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Facility in Jena, Louisiana. Present during the interview was (b)(6),(b)(7)(C) Investigator, and (b)(6),(b)(7)(C) Policy Advisor, Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C, along with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) with the (b)(6),(b)(7)(C) Birmingham, AL.

SPLC provided SA (b)(6),(b)(7)(C) with a document stating tha (b)(6),(b)(7)(C) was representing (b)(6),(b)(7)(C) in the investigation that took place on or about December 9 through 12, 2011, in or around Fort Payne, AL area. (b)(6),(b)(7)(C) signed the document dated December 28, 2011.

CRCL provided the interpreter via telephone. The Interpreter used was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that she was arrested on December (b)(6) 2011, at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, AL. (b)(6),(b)(7)(C) stated that her husband (b)(6),(b)(7)(C) her son and daughter live at the residence with her.

(b)(6),(b)(7)(C) stated that the officers there spoke mainly English and very little Spanish. stated she did not understand them, but that her husband, son and daughter speak English very well.

(b)(6),(b)(7)(C) stated that the officers were wearing clothes that had the letters ICE on their back. (b)(6),(b)(7)(C) stated she does not know what ICE means. (b)(6),(b)(7)(C) stated the officers also were wearing a vest and ICE was on it too. (b)(6),(b)(7)(C) stated that there were three officers all together at her residence and no officer identified themselves.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000380

(b)(6),(b)(7)(C) stated that she first encountered the officers when she and her husband drove up to her residence and saw the officers already there. She asked them what had happened, and when the officers approached her they asked if she knew a man named (b)(6),(b)(7)(C) along with showing her a photo. (b)(6),(b)(7)(C) stated she did not know the person in the photo. (b)(6),(b)(7)(C) stated that the officers showed her another photo which was the photo of her husband (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) stated that the officers then asked her husband for his driver's license. (b)(6),(b)(7)(C) stated that when her husband handed the officer his driver's license the officer threw the driver's license back at him, and then asked her for her papers. (b)(6),(b)(7)(C) stated that the officers then asked her to open the door to her residence and go inside to look for her papers.

(b)(6),(b)(7)(C) stated that she went inside her residence, but did not give permission for the officers to enter her residence and start searching. (b)(6),(b)(7)(C) stated that when she opened the door into her home the officers came in behind her and searched her bedroom and her son's bedroom. (b)(6),(b)(7)(C) stated that the officers made her and her family sit in the living room and not to talk. (b)(6),(b)(7)(C) stated again that no one gave the officers permission to enter and to search her residence.

(b)(6),(b)(7)(C) stated that the officers acted as if they were in a rush. (b)(6),(b)(7)(C) stated that there were three officers that entered her residence, and they went to her son asking him for his papers. (b)(6),(b)(7)(C) stated her son is 18 years old and her daughter is 14 and they were already in the residence before (b)(6),(b)(7)(C) arrived. (b)(6),(b)(7)(C) stated she doesn't know if the kids let the officers in the residence before she arrived or not, but the officers were outside her residence when she arrived..

(b)(6),(b)(7)(C) stated that the officers placed her hands behind her back and handcuffed her. (b)(6),(b)(7)(C) stated her son was arrested also, and the officers put chains around his waist. The officers said they were taking my son and will have him back in a couple of hours.

(b)(6),(b)(7)(C) stated that her husband and son witnessed her being arrested. (b)(6),(b)(7)(C) stated that the officers placed her and her son in a van with another arrested person who was already inside.

(b)(6),(b)(7)(C) stated she was denied a bathroom, and when she was allowed to use a bathroom the officers made her use the men's room.

(b)(6),(b)(7)(C) stated that when she was in Chattanooga the officers threw a sandwich at her in the cell. (b)(6),(b)(7)(C) stated that the officer who drove the van and was at her residence was the officer that through the sandwich.

(b)(6),(b)(7)(C) stated she was not injured during her arrest.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000381

(b)(6),(b) stated that they did go to a McDonald's restaurant before they went to Chattanooga.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by;

(b)(6),(b)(7)(C)

Affiant

Before me this 18th day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C), Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000382

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b) (b)(6),(b) OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C), Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6),(b)(7)(C) stated that he was arrested on December 11, 2011, at his residence located at (b)(6),(b)(7)(C), Fort Payne, AL. while outside his apartment. (b)(6),(b)(stated that he was getting into his vehicle when an officer told him to stay inside the vehicle. (b)(6),(b stated that the officer asked him for identification, and wanted to know which apartment he lived in. (b)(6),(b)(7)(C) stated that the officers were wearing a uniform with ICE on the front and were wearing weapons. (b)(6),(b stated there were (b)(7)(E) officers. (b)(6),(b)(7)(C) officer and the rest were (b)(6),(b)(7)(C) stated that (b)(officer spoke a little Spanish.

(b)(6),(b)(7)(C) stated that the officer went to his apartment and knocked on the door. The door was opened by children who live inside the apartment, and the officers then went inside. (b)(6),(b stated that (b)(officers stayed with him while the other (b)(7 officers went inside. (b)(6),(b)(7)(C) stated that no officer asked him if they could enter his apartment.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000383

(b)(6),(b)(stated that (b)(officer asked him again for identification, and he advised the officer that his identification was inside his apartment. (b)(6),(b)(7)(C) stated that he asked the officer if he could go inside and get his documents. The (b)(officers then began talking amongst themselves, and (b)(officer then handcuffed (b)(6),(b)(7)(C) in the front. (b)(6),(b)(7)(C) stated that he walked into his apartment with the (b)(officers following behind him. (b)(6),(b) stated that he lives in the apartment with another couple, and they were all brought to the living room. (b)(6),(b)(7)(C) stated that the officer who spoke Spanish showed everyone a photo, and then started asking everyone when they arrived in the United States.

(b)(6),(b)(7)(C) stated he was taken outside where the officer put leg irons on his ankles. (b)(6),(b)(7)(C) stated that the officers then took him to Chattanooga where he was given food. A $5000.00 bond was set for (b)(6),(b)(7)(C) release. (b)(6),(b)(7)(C) stated he was not hurt during the arrest.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Affiant

Before me this 31st day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C), Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000384

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6),(b)(7)(C) stated that her husband (b)(6),(b)(7)(C) was arrested on December 09, 2011, at their home located at (b)(6),(b)(7)(C) Scottsboro, AL. It was their wedding anniversary, and they were taking their two 15 year old daughters to school. (b)(6),(b)(7)(C) stated that when they got inside their vehicle, (b)(officers (b)(6),(b)(7)(C) approached from both sides of their vehicle. The officers were wearing some sort of uniform with ICE on the back, a badge and a weapon. (b)(7 officer stated he had a warrant for (b)(6),(arrest, and to turn off the vehicle.

(b)(6),(b)(7)(C) stated that (b)(officer asked (b)(6 for his identification, and (b)(6),((b)(6),(b)(stated she asked the officers why? The officers replied that they were not going to deport him (b)(6),(b just taken him to straighten out issues for not going to court.

(b)(6),(b)(7)(C) stated she then advised the officers that she had some paper work from ICE, and the officer told her to go get them. (b)(6),(b)(7)(C) stated that they all go out of the vehicle, and they walked to the front door of their home. (b)(6),((b)(6),(b)(7 stated that the two daughters went inside the residence first followed by her and then (b)(The two officers entered the home without permission behind (b)(6),(

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000385

(b)(6),(b)(7)(C) stated that the officers made (b)(6) sit on the couch with the two daughters while she went into the bedroom to get the papers she received from ICE. (b)(6),(b)(7)(C) stated that (b)(officer followed her into the bedroom while the other officer asked (b)(6 questions and for his identification. (b)(6),(b)(7)(C) stated that she obtained the papers, a Form I-130 Petition for Alien Relative, and gave it to the officer while in the bedroom. (b)(6),(b)(7)(C stated that the officer looked at the document and asked her for the attorney's name and phone number.

(b)(6),(b)(7)(C) stated that when she came out of the bedroom she saw that (b)(6), (b)(7)(was handcuffed, and her daughters were crying. (b)(officer told the daughters not to cry because there was nothing for them to cry about. The other officer began searching (b)(6) and then they let the daughters say good bye to him.

(b)(6),(b)(7)(C) stated that later that day she received a phone call from Officer (b)(6),(b) (7)(C) who gave her (b) (6), (b A # (Alien Registration Number). (b)(6),(b)(7)(C) stated that no one was injured that day.

End

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Before me this 31st day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) pecial Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000386

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 27, 2012, SA (b)(6),(b)(7)(C), and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6),(b)(7)(stated that her husband, (b)(6),(b)(7)(C) was arrested on December 10, 2011, at his residence located at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, AL.

(b)(6),(b)(7) stated that four officers, (b)(6),(b)(7)(C) came to her residence. (b)(6),(b)(7)(C) stated that one officer spoke Spanish. (b)(6),(b)(7)((b)(6),(b) stated that the officers wore a uniform that was dark gray in color, and she believes that the officers were armed. (b)(6),(b)(7)(C) stated she first thought that they were the police, but later found out they were immigration.

(b)(6),(b)(7)(C) stated that she was in her vehicle preparing to go to work when an officer grabbed her by the jacket to order to get her attention. (b)(6),(b)(7)(stated that the officer asked her if she spoke English, and she replied that she did not. The officer stated that he was looking for a man, and wanted to know who lived in the residence with her. (b)(6),(b)(7)(C) stated that she along with her husband and daughter lives there. (b)(6),(b)(7)(C) stated that the officer asked if her husband spoke English, and she replied yes. The officer then told her to go get her husband in order to translate for him.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000387

(b)(6),(b)(7)(C) stated that she walked over to her residence and knocked on the front door. (b)(6),(b)(7)(stated that when her husband opened the door the officer immediately went inside. (b)(6),(b)(7)(C stated that she went in behind the officer, and then (b)(7)(E) officers rushed in behind her. (b)(6),(b)(7)(C) stated that the officer who went inside first started asking her husband for his identification. (b)((b)(6),(b stated that neither she nor her husband attempted to stop the officers from coming inside the residence because they were scared.

(b)(6),(b)(7)(C) stated that the officers began searching the residence as if someone had hidden something. (b)(6),(b)(7)(C) stated that after the officers completed searching the residence they asked for her identification. (b)(6),(b)(7)(stated she walked into her bedroom and (b)(officers followed her. (b)(6),(b)(7)(C) stated that while in the bedroom, the (b)(officers noticed a photo of her grandchildren. (b)(6) (b)(6), (b)(7)(stated that the officers looked at the photo again started looking back at her in an "awful manner". (b)(6),(b)(7)(C) stated that the officer who spoke Spanish asked her if they were her children. (b)(6),(b)(7)(C) stated that they were her grandchildren. The officer then asked where the children were, and (b)(6),(b)(7)(C) stated she told them that the children were at their other grandmother's house. (b)(6),(b)(7)(stated that the officer then wanted to know the address where the children were, but (b)(6),(b)(7)(C) stated she did not have the address.

(b)(6),(b)(7)(C) stated that one officer took her husband to the bedroom to get his identification while another officer threw pillows off the couch telling her to have a seat.

(b)(6),(b)(7)(stated that she noticed her husband handcuffed and lying across the bed. After the officers reviewed her husband's documents they then took him outside and placed him in a vehicle.

(b)(6),(b)(7)(C) stated that no one was injured physically, just emotionally.

(b)(6),(b)(7)(C) stated that after taking her husband away, an officer came back approximately 3 minutes later and knocked on the door. (b)(6),(b)(7)(stated that the officer showed her a document and said that they were not taking her husband away as a criminal it was because he did not renew this (showing a form). (b)(6),(b)(7)(C) stated the officer said that she had a chance to fight this with a judge. stated she thanked the officer and he left.

END

(b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000388

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Before me this 31st day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000389

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C), being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) (b)(6),(b) OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6),(b)(7)(C) stated that the arrest of her husband (b)(6),(b)(7)(C) took place at (b)(6),(b)(7)(C) Rainsville, AL., but the date she does not remember. (b)(6),(b)(7)(stated that she speaks English.

(b)(6),(b)(7)(C) stated that the officers knocked on her door, and when she opened the door there were (b)(7)(officers, (b)(7)(E) wearing vest with ICE on it, stating that they were looking for (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) stated that the officers asked her if they could come inside, and she told them "no", but the officers came inside anyway without her permission. (b)(6),(b)(7)(C) stated that once inside, the officers told her to tell the truth or they will take her away. (b)(6),(b)(7)(C) stated that she advised the officers she was legal, and they could not just take her away.

(b)(6),(b)(7)(C) stated that she then advised the officers that (b)(6),(b)(7)(C) was her husband, and the officers told her to go get him. (b)(6),(b)(7)(C) stated she went into the bedroom and brought (b)(6),(out to the officers. (b)(6),(b)(7)(C) stated that the male officer then began searching around the apartment without our permission.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000390

(b)(6),(b)(7)(C) stated that the officers asked (b)(6),(for his documents, and he told them that his papers were in the car. (b)(6),(b)(7)(C) stated she went outside to the car to get the papers, and the male officer followed her. While outside, (b)(6),(b)(7)(stated she noticed an officer behind the trailer, and was wearing a gun. (b)(6),(b)(7)(C) stated that after looking inside the vehicle for (b)(6),(b) identification, she remembered that he had left his documents in his Bible which was at the church. (b)(6),(b)(7)(C) stated that she and the officer went back into the residence, and the male officer told (b)(6),(that they had to take him. The male officer advised her that they were going to Chattanooga, and they would call her later.

(b)(6),(b)(7)(C) stated that, as far as she is aware, no one was injured during the incident. (b)(6),(b)(7)(C) stated that an officer called her later and advised her that they were in Chattanooga and that her husband will be brought back to Fort Payne jail.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Before me this 31st day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000391

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 5, 2012, I re-interviewed (b)(6),(b)(7)(C) at the LaSalle Detention Center (LDC) in Jena, Louisiana. Present at the interview was Attorney (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)(7)(C)

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

During the interview, detainee (b)(6),(b) confirmed the statement he previously provided to OPR on December 29, 2011. Detainee (b)(6),(b) stated that he did not recall if the altercation with the ICE officers were about him wanting to change clothes or over a set of keys that he had in his hands, and was trying to give to his wife.

Detainee (b)(6),(b)(stated that he is still suffering from the injury he received to his left shoulder during his arrest in December 2011. Detainee (b)(6),(b)(7)(C) stated that he suffers from his injury mainly at night when he tries to sleep. Detainee (b)(6),(b)(stated that he is currently receiving treatment for his left shoulder injury from the doctor at LDC, and does not feel like he is getting better.

Upon speaking with the Director for medical services at LDC, (b)(6),(b)(7)(C) he stated that detainee (b)(6),(b)(7)(C) has never reported a shoulder injury to the medical staff, and he is not under any medical care for his shoulder.

Director (b)(6),(b)(7)(C) provided a copy of detainee (b)(6),(b)(7)(C) medical records. After reviewing the file, there is no mention of a shoulder injury for detainee (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000392

The only (b)(6),(b)(7)(C) The medical records show detainee (b)(6),(b)(was issued (b)(6), (b)(7)(for treatment.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Affiant

Before me this 8th day of March 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000393

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(and Resident Agent in Charge (RAC (b)(6), (b)(7)((b)(6),(b)(7 OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6), (b)(7)(stated that he was in his bedroom asleep when the officers knocked on his front door, and when he opened the door the officers entered his residence without permission. (b)(6), state that (b)(officers spoke some Spanish, and he understood. (b)(6) stated that the officers showed him a photo of a female who they said lives at the residence, but he advised them that he did not know her. (b)(6) stated that there were four white male officers wearing clothes with ICE written on their back. (b)(6) state that the officers spoke some Spanish, and he understood some of it.

(b)(6), (b)(7)(stated that the officers were looking around his apartment, and on the top of his television he had a picture of his two daughters who are 19 and 20 years old. (b)(6), stated that the officers looked at the picture and began laughing saying that they like those pussies in the picture.

(b)(6), (b)(7)(stated that the officers asked him if they can search the trailer, and (b)(6),(b stated that since they were already inside looking around anyway he said yes. (b)(6) stated after the officers searched the residence they used the bathroom in the trailer, and afterwards, the officers arrested him placing handcuffs on him. (b)(6), stated that he asked the officers why was he being arrested, and the

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000394

officers told him they were going to take him (b)(6), (b)(7)(to get prints, and then he can come back home.

(b)(6), (b)(7)(stated that the officers transported him to Chattanooga where he was fingerprinted and then placed in a cell. (b)(6), (b)(7)(stated that while in the cell an officer came to feed him by throwing a sandwich at him.

(b)(6) stated that when the officers transported him, and other detainees from Chattanooga to Jena, Louisiana, the officer gave them a sandwich, chips and some water. The officers then put handcuffs on them, and chained their hands to their waist. (b)(6), stated that being handcuffed in this manner he was unable to eat. (b)(6),(stated that the bus they traveled in had an open window on the ceiling allowing cold air and rain to come in wetting them. (b)(6) stated that they asked the officers to shut the window, but the officers did nothing about it.

(b)(6), stated that he was not injured physically the day he was arrested.

End

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Affiant

Before me this 31 day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000395

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

Ms. (b)(6),(b)(7)(C) stated that her husband (b)(6),(b)(7)(C) was arrested on December 11, 2011, at their residence located at (b)(6),(b)(7)(C) Fort Payne, AL. Ms. (b)(6),(b)(7)(stated that there were (b)(6),(b)(7)(C) officers at their residence that day, and they were wearing vest with letters on it. (b)(6),(b)(7)(C) stated she does not know how to read or write so she did not know what the letters were.

(b)(6),(b)(7)(C) stated that she and her husband were in the bedroom when they heard a loud knock at the front door. (b)(6),(b)(7)(C) stated that her daughter, 12 year old (b)(6),(b)(7)(C) opened the door, and the officers immediately rushed inside without permission. (b)(6),(b)(7)(C) stated that upon entering the residence the officers spoke with (b)(6),(b)(7)(C) because she spoke English. (b)(6),(b)(7)(C) stated that after the officers left the residence (b)(6),(b)(7)(C) told her what the officers had said to her.

(b)(6),(b)(7)(C) stated that the officers showed (b)(6),(b)(7)(C) some papers, and told her not to lie to them. One officer asked where (b)(6),(b)(7) was, and if you lie to me we will take your whole family and you – every single one of you. (b)(6),(b)(stated that (b)(6),(b) then started crying, and she pointed to the bedroom where her father was. The officers then immediately went into the bedroom, and they searched everywhere including in the closet.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000396

(b)(6),(b)(7)(C) stated that she started to walk toward (b)(6),(to talk to her and calm her, but an officer stopped her and told her to shut up. (b)(6),(b)(7)(C) stated that (b)(6),(b was never touched by any officer, but they shouted at her and threatened her.

(b)(6),(b)(7)(C) stated that when the officers went into the bedroom they shouted for (b)(6),(b)(7) to come out and show himself. (b)(6),(b)(7)(C) stated that when (b)(6),(b)(7)(C) came out from hiding the officers placed handcuffs on him.

(b)(6),(b)(7)(stated that the officers told (b)(6),(b)(7)(C) to not worry because they would bring her dad back soon if he was not guilty.

(b)(6),(b)(7)(C) stated that neither she nor (b)(6),(b)(7)(were injured that day.

End

The contents of this statement are true and correct to the best of my knowledge and belief.

(b)(6),(b)(7)(C)

Before (b)(6),(b)(7)(C) anuary 2012

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000397

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO, interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama.

Present during the interview was (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Atlanta, GA. and via telephone (b)(6),(b)(7)(C) with Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

CRCL provided the Interpreter for the interview via telephone.

(b)(6),(b)(7)(C) stated that he was arrested on December 11, 2011, at his residence located at (b)(6),(b)(7)(C) Fort Payne, AL. (b)(6),(b)(7)(C) stated that one officer spoke some Spanish, and he was able to understand.

(b)(6),(b)(7)(C) stated that there were four white male officers that entered the residence wearing police uniforms and weapons, but he did not see a badge.

(b)(6),(b)(7)(C) stated that the officers knocked on the door and one of the children from another family that lives at the residence opened the door.

(b)(6),(b)(7)(C) stated he was in his bedroom with his wife and son when he overheard the officers asking the children in the living room where their mother and father were.

(b)(6),(b)(7)(C) stated that the officers then knocked on his bedroom door. Upon entering, the officer took him, his wife and son into the living room. (b)(6),(b)(7)(C) stated that the officers asked them many questions and afterwards an officer handcuffed him.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000398

(b)(6),(b)(7)(C) stated that he was put in a vehicle and taken to Chattanooga, TN.

(b)(6),(b)(7)(C) stated that he was not injured that day, and when he arrived in Chattanooga he was fed with no problems.

END

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Aff

Before me this 31st day of January 2012

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000399

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I, (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 22, 2012, I re-interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama. Present at the interview was an attorney with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

(b)(6),(b)(7)(C) stated that he has lived in the apartment for two months when he was arrested in December 2011. Currently, (b)(6),(b)(7)(C) pays $214.00 a month rent to a roommate named (b)(6),(b)(7)(C) who was also arrested that day. (b)(6),(b)(7)(C) stated that he is not on the lease for the apartment and doesn't know who is. (b)(6),(b)(7)(C) stated that he first met the officers at his car while in the parking lot of his apartments. The officers spoke to him in English, and he stated he did not understand them.

(b)(6),(b)(7)(C) admitted that he may have told the officers a story about being at the residence to buy or fix a motorcycle. He stated that he was confused, and he had heard that when immigration comes like this they will take your children away from you, and he did not want that to happen. (b)(6),(b)(7)(stated that he made up the story to keep the officers out of his apartment. When the officers asked him if he lived there at the apartments (b)(6),(b)(7)(C stated he told them no, and made up the story about the motorcycle.

(b)(6),(b)(7)(C) stated that an officer asked him for identification while another officer went up to his apartment and knocked hard on the doo (b)(6),(b)(7)(C) stated that his two daughters opened the door, and when the door opened (b)(7)(E) (b)(7)(E) officers went inside the apartment. (b)(6),(b)(7)(stated that approximately 5-6 minutes later, the officers asked him again if he had

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000400

documents. (b)(6),(b)(7)(C) stated that he told the officers that his documents were inside his apartment. The officers handcuffed him, and then walked with him to his apartment. (b)(6),(b)(7)(C) stated that he walked inside his apartment, and the officers followed him inside without permission. The officer that went inside the apartment earlier met him, and followed him to his bedroom to get his document.

(b)(6),(b)(7)(C) stated that he found his passport and gave it to the officer. The officer told him to go to the living room, but it wasn't long because the officers made him go outside.

(b)(6),(b)(7)(C) stated that when he went inside his apartment there were officers already inside talking to the other individuals. (b)(6),(b)(7)(C) stated that he did not know who gave permission for the officers to go inside.

(b)(6),(b)(7)(C) stated that at the time of his arrest, his wife, (b)(6),(b)(7)(C) was pregnant and she was due to deliver any day. (b)(6),(b)(7)(C) stated that while he was in custody his wife had the baby without him. (b)(6),(b)(7)(C) stated that no officer asked him for permission to enter and search his residence.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Affiant

Before me this 26th day of March 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000401

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

PARISH OF ORLEANS
CITY OF NEW ORLEANS

AFFIDAVIT

I (b)(6),(b)(7)(C) being duly sworn do hereby depose and say:

I'm currently a Special Agent (SA) with Immigration and Customs Enforcement (ICE) assigned to the Office of Professional Responsibility, New Orleans, Louisiana (OPR/NO).

On March 22, 2012, I re-interviewed (b)(6),(b)(7)(C) in Fort Payne, Alabama. Present at the interview was an attorney with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) who represents detainee (b)(6),(b)

The interpreter was used via telephone and provided by Department of Homeland Security (DHS), Civil Rights and Civil Liberties (CRCL), Washington, D.C.

(b)(6),(b)(7)(C) stated that on the day he was arrested he was in his bedroom lying in bed with his son while his wife was taking a bath. (b)(6),(b)(7)(C stated he heard a loud banging noise on the front door of the apartment. He heard the officers inside the apartment talking to the children in the living room. The officers then came to his bedroom and started knocking on the bedroom door. (b)(6),(b)(7)(C) stated that his wife had previously locked the door to the bedroom, and he told her to open it to see what the officers wanted.

(b)(6),(b)(7)(C) stated that an officer entered the bedroom and shined a flashlight in his face. (b)(6),(b)(7)(stated he was very nervous and the officer asked him for his identification. (b)(6),(b)(7)(C stated that he keeps all his personal information in a folder, and he began looking through the folder to locate his document. (b)((b)(6),(b) stated he was very nervous, and could not find his document in the folder. (b)(6),(b)(7)(stated that the officer grabbed the folder out of his hands and began looking through it for himself. (b)(6),(b)(7)(C) stated that the officer told him and his family to go to the living room. During this time (b)(6),(b)(7)(C stated he was trying to call his pastor to let him know what was happening, and the officer took the phone away from him.

(b)(6),(b)(7)(stated that the officers never asked for permission to enter his bedroom or search the apartment.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000402

(b)(6),(b)(7)(stated that he pays rent at the apartment in the amount of $215.00 a month for the bedroom. On the day he was arrested, there was another male, and his daughter, living at the apartment, but has since moved out. Now, it is only him and his family, along with (b)(6),(b)(7)(C) and his family living at the apartment.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by:

(b)(6),(b)(7)(C)

Affiant

Before me this 26th day of March 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) pecial Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000403

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OFJEFFERSON

STATE OF ALABAMA

I, (b)(6),(b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A. (b)(6),(b)(7)(C) Immigration Enforcement Agent (SIEA) (b)(7)(E)

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A (b)(7)(E)

Q. What is your current assignment and duty station?

A. (b)(6),(b)(7)(C) Immigration Enforcement Agent- Homewood, Alabama

Q. How long have you worked in your current assignment at your current duty station?

A. Since (b)(7)(E)

Q. Who is your first line (b)(6),(b)(7)(C)

A. (b)(6),(b)(7)(C) Detention and Deportation Officer (SDDO) in Gaston.

Q. Briefly describe your duties.

A (b)(6),(b)(7)(C) Immigration Enforcement Agents in the Criminal Alien Program.

(b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000404

Q. Did you assist the (b)(6),(b)(7)(C) during (b)(6),(b)(7)(C) (b)(6),(b)(7) If so, in what way?

A. Yes. I organized the pick-up/transport of aliens arrested by the Birmingham (b)(6) by the DeKalb County Sheriff's Office to the DeKalb County Detention Center in Fort Payne, Alabama. This would be from Chattanooga to Fort Payne.

Q. Did you make arrangements for transportation with the DeKalb County Sheriff's Office in Fort Payne, Alabama to transport detainees from Chattanooga, Tennessee to Fort Payne? If so, who did you speak with at DeKalb County?

A. Yes. I contacted (b)(6),(b)(7)(C) (256-304-(b)(6), of the DeKalb County Sheriff's Office to arrange the transport of those detainees.

Q. Did you assist in making the arrangements for transportation from Fort Payne, AL to Jena, Louisiana? If so, who did you make the arrangement with?

A. Yes, I arrange all transport from Fort Payne, AL to Jena, LA. I contact (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) of (b)(6),(b)(7)(C) transportations to coordinate the trips. (b)(is located at LaSalle Detention Center in Jena. Her phone number is 318 992(b)(6),(b)(7)(C)

Q. To the best of your knowledge, did anyone from the (b)(6) or any employee from ERO transport any detainee from Chattanooga to Fort Payne or from Fort Payne to Jena, LA.?

A. No.

Q. Did anyone speak to you regarding any complaints during the transportation of aliens from Chattanooga to Fort Payne or Fort Payne to Jena?

A. No.

Q. Did you go with the (b)(6),(b to any addresses and assist with the arrest of aliens?

A. No. I only arranged the transportation.

(b)(6),(b)(7)(C)

Affian (b)(6),(b)(7)(C) Initia (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000405

Q. Is there anything you would like to add?

A. No.

I have read the foregoing statement consisting of 3 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 24th day of February 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OFJEFFERSON

STATE OF ALABAMA

I, (b)(6),(b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A. (b)(6),(b)(7)(C) Deportation Officer (SDDO), (b)(6),(b)(7)(C)

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. (b)(7)(E)

Q. What is your current assignment and duty station?

A. (b)(6),(b)(7)(C) Deportation Officer

Q. How long have you worked in your current assignment at your current duty station?

A (b)(7)(E)

Q. Who is your first line supervisor?

A. (b)(6),(b)(7)(C)

Q. Briefly describe your duties.

A. (b)(6),(b)(7)(C)

Q. How many officers are on the (b)(6),(b)(7)(C)

A. There are (b)(6),(b) all together. We have a position open for one more.

Q. How long have you (b)(6),(b)(7)(C)

A. Since (b)(7)(E)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000407

Q. When was the (b)(6) created in Homewood, AL?

A. (b)(7)(E) We are the original members of the team with the exception of (b)(6),(b)(7)(C) came several months after us.

Q. How many operations have your (b)(6),(b) done here in Homewood since (b)(7)(E)

A. (b)(7)(E).

Q. Since the (b)(6) got started in (b)(7)(E) have you had any complaints from the public?

A. No, we have not. No complaints or allegations.

Q. Were you directly involved in (b)(6),(b)(7)(C) What were the dates of the operation?

A. Yes. (b)(7)(E)

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. An operation plan and target list is submitted through the chain of command and vetted by Headquarters (HQ) Office of Enforcement and Removal Operations (ERO). Also a summary of the two most egregious targets is submitted. Following approval of the operation plan by HQ and the director of ERO, the (b)(6),(b)(7)(C) is authorized to conduct the enforcement action.

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes. See above answer.

Q. Where there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. No. The local law enforcement agencies were notified, but they did not participate in the operation.

Q. Are you aware of a memo dated January 19, 2010, from (b)(6),(b)(7)(C) Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"?

A. Yes, I am.

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. Yes, I am.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. Yes.

Q. Were any juveniles encountered during (b)(6),(b)(7)(C)

A. No.

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo discusses Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a supervisor for a (b)(6),(b)(7)(C) do you and your officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes, I am. Birmingham (b)(completes 4th amendment training every six months with the most recent on November 3, 2011. We also do training prior to a National Operation.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Yes.

Q. To the best of your knowledge and belief, during (b)(6),(b)(7)(C) did you or any officer interrogate young children about the whereabouts of their parents?

A. No.

Q. During (b)(6),(b)(7)(C) did you are any officer involved in this operation threaten to arrest U.S. Citizen children if those children did not disclose the whereabouts of their parents?

A. No.

Q. Are you aware that there is an Office of Professional Responsibility (OPR) investigation regarding entering homes without permission and terrorizing families during the dates of (b)(6),(b)(7)(C) If so, who did you discuss this investigation with?

A. We were notified by management within the New Orleans Field Office that allegations were made that the (b)(6),(b)(7)(C) and OPR would possibly be interviewing the (b)(6),

Note:
The following will be questions regarding seven address that you were directly involved with. Please provide the information to the best of your knowledge and belief.

(b)(6),(b)(7)(C) ***Fort Payne, Alabama***

Q. Were you working on Saturday, December 10, 2011, with (b)(6),(b)(7)(C) (b)(6),(b)(

A. Yes. (b)(6),(b)(7)(C) of the group.

Q. During the operation, did you and other officers go to (b)(6),(b)(7)(C) (b)(6),(b) **Fort Payne, Alabama**? If so, what was the purpose?

A. Yes. (b)(6),(b)(7)(C) was the fugitive target, and this was his last known address. He was the target of the investigation, and he was confirmed to be residing at this location.

Q. Who were the officers present that day at that address?

A. Myself along with Deportation Officer (DO) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000410

Q. What type of clothing were the officers wearing, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Upon arriving at the address, who was the first person that was encountered?

A. I was at the (b)(7) of the address to provide (b)(7)(E) of the residence. DO (b)(6),(b)(7)(C) saw an adult exit the front of the residence and made contact with (b)(6),(b)(7)(C) outside near a vehicle. (b)(6), (b)(7)(is the wife of our target.

Q. Explain what took place when you encountered (b)(6),(b)(7)(C)

A. DO (b)(6),(b first encountered (b)(6),(b)(7) (C) s, and from my position or location I could not tell what was said other than hearing some form of discussion.

Q. Was there proper language communication between all parties?

A. I don't remember the verbal conversation with (b)(6),(b)(7)(C) due to my position in the rear of the house.

Q. Who knocked on the door of the residence at (b)(6),(b)(7)(C) (b)(6), (b)(7)(

A. Due to my position (b)(7)(E) of the house, I did not see who knocked on the front door.

Q. Who opened the door to that residence?

A. I did not see.

Q. Upon opening the door, what was said?

A. I do not know due to my positioning.

Q. Who gave the officers authorization to enter that residence?

A. I did not see it, but it's documented on the I-213 that consent was given by (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000411

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) if so, who prepared it?

A. Yes. DO (b)(6),(b)(7)(C)

Q. Who is listed on the FOW as giving the authorization to enter that residence? Who witnessed?

A. Subject. Witnesses are listed on the FOW as DO (b)(6),(b)(7)(C)

Q. The FOW says that the "subject" gave consent. Who is the subject?

A. (b)(6),(b)(7)(C) but it was my understanding that (b)(6),(b)(7)(C) gave consent to enter from outside the residence, and she escorted the officers inside the home.

Q. Who gave the authorization to search the residence? Who witnessed?

A. I don't know due to my positioning.

Q. When the door opened, who went into the residence first? Who followed?

A. I don't know due to my position.

Q. Which (b)(officers escorted (b)(6),(b)(7)(C) to her bedroom to obtain her documents?

A. I don't remember specifically.

Q. Was there an altercation between you and (b)(6),(b)(7)(C) Any other officers involved? What happened?

A. After encountering (b)(6),(b)(we explained to him why we were there (Warrant of Removal) and at that time he became resistant. Control techniques were used to place him in handcuffs, but no other use of force was used. No impact devices were utilized, and only the minimum amount of force was used. After he was in cuffs, he began to apologize that he was resistant. The incident involved me, DO (b)(6),(b)(7)(C)

Q. Did you see any officer put their knee in (b)(6),(b)(7)(C) back while he was being arrested?

A. No.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000412

Q. Was (b)(6),(b)(7)(C) injured during the arrest?

A. No

Q. Was any officer injured while making the arrest?

A. No.

Q. Did (b)(6),(b)(7)(C) notify you or any other officer that he hurt his left shoulder? If so, who did he report it to?

A. No. Documented on I-213 that he was in good health.

Q. Was (b)(6),(b)(7)(C) on the operations target list?

A. Yes

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I do not recall as we did not have a dedicated transport officer or van.

Q. Which officer provided food to (b)(6),(b)(7)(C) in Chattanooga?

A. No. I wasn't in the processing area when he received food.

Q. Do you know if the officer threw a hamburger (Sandwich) on the floor toward (b)(6),(b)(7)(C) while he was being fed?

A. No. I would not believe that this would occur.

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga? (I-213, etc.)

A. DO (b)(6),(b)(7)(C)

Q. Do you know who all the officers were in Chattanooga while processing?

A. Different officers would have been in the processing area at different times. It was the weekend and the (b)(6) were the only officers using the processing area.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to DeKalb County Jail by DeKalb County Deputies. DeKalb County was responsible for all transportation from ERO Chattanooga to DeKalb County Jail. SIEA (b)(6),(b)(7)(C) (205-296- (b)(6),(b)(7)(was the primary point of contact (POC) for transport for the operation.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000413

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed.

END QUESTIONS REGARDING the arrest of (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ***Fort Payne, Alabama on December 10, 2011.***

(b)(6),(b)(7)(C) ***Fort Payne, Alabama and*** (b)(6),(b)(7)(C) ***Fort Payne, Alabama.***

Q. On December 10, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) **Fort Payne, Alabama? If so, what was the purpose?**

A. It was the last known address for fugitive target (b)(6),(b)(7)(C)

Q. Explain what took place when you arrived at that residence?

A. Initial contact was made by DO (b)(6),(at this address with (b)(6),(b)(7)(C) He was shown a photo of the target (b)(6),(b)(7)(C) , and he stated that he knew where (b)(6),(b)(7)(C) lived. (b)(6),(b)(7)(C) took officers to (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

Q. Who were the officers present that day at that residence?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. Yes. DO (b)(6),(b)(7)(C) communicated in Spanish when necessary.

Q. Who gave the officers authorization to enter the residence at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Who is the LPR owner?

A. I do not recall entering the residence. The owner of the residence was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

Q. Did (b)(6),(b)(take you over to (b)(6),(b)(7)(C), **Fort Payne, Alabama? If so, why?**

A. Yes, (b)(6),(b)(7 escorted us to (b)(6),(b)(7)(C) as the location that he knew the target to reside. His reason was unknown.

Q. What took place when you arrived at that residence (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Explain in detail.

A. While another officer (Which one I can't recall) was knocking at the front door, (b)(6),(b)(7)(C) (target) and his wife, (b)(6),(b)(7)(C), returned home in their vehicle.

(b)(7) Officers went to the vehicle, (b)(6),(b)(7)(C), to talk to them. I heard (b)(7)(E) officers asking them if they lived at the residence. I heard (b)(6),(b)(7)(say he had immigration documents. (b)(6),(b)(7)(C) was identified as the target and his wife provided identification for herself. After running her identification through the Law Enforcement Support Center (LESC), it was determined that she had an outstanding Warrant of Deportation (I-205).

(b)(6),(b)(7)(C) had immigration courts documents in his possession that indicated he was granted a motion to reopen in his immigration court proceedings one day earlier (12/9/2011). (b)(6),(b)(7)(C) was not taken into custody. His wife, (b)(6),(b) (b)(6),(b)(7)(C) was identified as a fugitive alien and was arrested.

I myself do not remember going into the residence. The I-213 states that the two gave the (b)(6 permission to go inside their residence to obtain their court documents. I personally remember (b)(6), (b)(7)(having her documents, and not having to go inside for them.

Their son, (b)(6),(b)(7)(C), was arrested for not having any documentation and it appeared that he had some type of homemade document. (b)(6),(b)(7) (C) was released from Dekalb or Jena several days later. He was release on his own recognizance (OR).

I can't recall or remember who went in the residence first. I did not see who went in the residence first. I don't recall myself going into the residence. But, I may have. I don't recall any officer searching bedrooms located inside the residence.

Q. Was there proper language communication between all parties?

A. Yes, some of the officers speak Spanish (b)(6),(b)(7) (C) and the son (b)(6),(b)(7) (C) spoke a little English.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000415

Q. Who gave the permission to enter the residence (b)(6),(b)(7)(C) Were there any witnesses?

A. I don't know who gave the permission. The I-213 states that (b)(6),(and (b)(6),(b)(7)(apparently gave the permission for the officers to enter. I did not see or hear any of this.

Q. Who opened the front door to the residence?

A. I don't recall at this time. It was my understanding that the parents (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) walked back in the residence first.

Q. When the door opened, who went in the residence first? Who followed?

A. I don't recall.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) If so, who prepared it?

A. Yes. DO (b)(6),(b)(7)(C)

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I think it was DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't know.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) when she was fed?

A. No. I was not there but it would be hard for me to believe that an officer would do this.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. She would have been transported to Dekalb County Jail by the Dekalb County Deputies. (See SIE (b)(6),(b)(7)(C) for details of transportation)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000416

Q. Was anyone else arrested at that location along with (b)(6),(b)(7)(C)

A. Yes, their son (b)(6),(b)(7)(C)

Q. Did (b)(6),(b)(7)(C) or her son get injured during the arrest?

A. No.

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed. Also, the detention of (b)(6),(b)(7)(C) was due in part to our fingerprint system being down during much of the operation.

End questions regarding (b)(6),(b)(7)(C) ***Fort Payne, Alabama.***

(b)(6),(b)(7)(C) ***Fort Payne, Alabama.***

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) **Fort Payne, Alabama**? If so, what was the purpose?

A. Yes. Fugitive target (b)(6),(b)(7)(C) was confirmed to be residing in the residence.

Q. What happened after you arrived at that residence? Explain in detail.

A. DO (b)(6),(b) knocked at the door and made contact with the residents. I was standing off of the porch, I could not see, but I could hear consent given to enter the residence. I did not see who gave consent, but I could hear a female voice. Entry was made into home after receiving consent. DO (b)(6),(b)(7)(C) entered first, I entered second and DO (b)(6),(b)(7)(C) entered third. We were told that (b)(6),(b) was not in the residence and that we could look around. We heard and saw (b)(6),(b) hiding behind the A/C and furnace unit and he eventually came out. There were children present, but none were interrogated or arrested.

(b)(6),(b)(7)(C) was seated in front of the furnace in an attempt to conceal (b)(6),(b)(7)(C) We asked him if he had seen (b)(6),(b) and he stated no. (b)(6),(b)(7)(C) spouse (b)(6),(b)(7)(C) told us several times that he was not in the residence and attempted to harbor and conceal his whereabouts.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000417

Q. Who were all the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties?

A. English and Spanish.

Q. Who gave the authorization to enter that residence?

A. I did not see who gave consent, but I heard consent from a female voice and consent was documented on the I-213 as given by (b)(6),(b)(7)(C)

Q. Was it a 12 year old female there by the name of (b)(6),(b)(7)(C)? If so, did an officer speak with her? Which officer?

A. DO (b)(6),(b)(7)(C) did speak to one of children as she was trying to assist translating.

Q. Did the 12 year old female (b)(6),(b)(7)(C) appear to be upset or crying?

A. I do not recall, but I remember that (b)(6),(b)(7)(C) appeared to be crying.

Q. Did an officer search the bedroom belonging to (b)(6),(b)(7)(C) If so, did (b)(6),(b)(7)(C) give permission for the officers to search his bedroom?

(b)(6),(b)(7)(C)

Q. Did (b)(6),(b tell the officers where her father was located?

A. No.

A. Possibly, because we were given consent to search fo (b)(6),(b)(7)(C)

Q. After searching the bedroom what was found?

A. I do not recall.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) (b)(6),(b)(7)(If so, who prepared it? Did it list the person who authorized the search?

A. No. This subject was not on the target list

Q. Did (b)(6),(b)(7)(C) complain of an injury that he received during the arrest?

A. No.

Q. Did (b)(6),(b)(7)(C) complain that the handcuffs were on him too tight?

A. No.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO S (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I do not recall. I was not present when meals were provided.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) (b)(6),(b) when he was being fed?

A. I was not present when meals were provided

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He would have been transported to Dekalb County Jail by the Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C) for details of transportation)

Q. Was (b)(6),(b)(7)(C) on the target list for this operation?

A. No.

Q. How many people were arrested from the residence that day? Names?

A. Tw (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed. Also, occupants of the residence gave false information to ICE officers and attempted to harbor and conceal the whereabouts of (b)(6),(b)(

END QUESTIONS FOR (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ***FORT PAYNE, ALABAMA.***

(b)(6),(b)(7)(C) ***FORT PAYNE, ALABAMA***

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) **Fort Payne, Alabama**? If so, what was the purpose?

A. We were attempting to locate fugitive targe (b)(6),(b)(7)(C) (b)(6), as a secondary address listed on the FOW.

Q. Who were you looking for at that residence?

A (b)(6),(b)(7)(C)

Q. What happened after you arrived at that residence? Explain in detail.

A (b)(6),(b)(7)(C) was encountered outside the residence. He was asked where he lived and he pointed towards (b)(6),(b)(7)(C) He was asked if he had identification and he stated that it was in his apt. He gave consent for the (b)(6) to enter his residence. Inside the apt, several occupants were inside and we asked if they knew the target. (b)(6),(b)(7)(provided ID to officers and freely admitted that that he entered the U.S. illegally and had no immigration documents.

(b)(6),(b)(7)(C) was also encountered inside the apt. and freely admitted that he entered the U.S. illegally and had no immigration documents.

Q. Who were the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000420

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there proper language communication between all parties that day?

A. English and Spanish

Q. Who gave the officers authorization to enter that residence?

A (b)(6),(b)(7)(C)

Q. Who was the owner of that residence?

A. Unknown.

Q. Once inside the residence, which officer knocked on the bedroom door of (b)(6),(b)(7)(C)

A. I don't recall

Q. Did the officers search the bedroom of (b)(6),(b)(7)(C) If so, did he give permission to search his bedroom?

A. I don't know.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) If so, who prepared it?

A. No.

Q. Does the FOW list the person who authorized the entry and or search of the residence?

A. No FOW prepared for (b)(6),(b)(7)(C)

Q. Did (b)(6),(b)(7)(C) advised an officer that he had an injury that he received during the arrest? If so, who was the officer?

A. No.

Q. Did (b)(6),(b)(7)(C) stated that the handcuffs that were placed on him were too tight?

A. No.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I don't recall.

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. According to the I-213 (b)(6),(b)(7)(C)

Q. Who were the officers present in Chattanooga during processing?

A. I don't recall

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't recall

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was being fed?

A. No. I don't believe that an officer would have thrown lunches at detainees.

Q. What happened afte (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He would have been transported to Dekalb County Jail by the Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C) for details of transportation)

Q. Was (b)(6),(b)(7)(C) on the target list for this operation?

A. No.

Q. How many people were arrested from that residence that day?

A. Two. (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000422

END QUESTIONS (b)(6),(b)(7)(C) ***STREET NE,*** (b)(6),(b)(7)(C) ***FORT PAYNE, ALABAMA.***

(b)(6),(b)(7)(C)

FORT PAYNE, ALABAMA

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) **Fort Payne, Alabama?** If so, what was the purpose?

A. Yes. We were attempting to locate (b)(6),(b)(7)(C)

Q. What happened after you and the officers arrived at that residence? Explain in detail.

A. Prior to knocking on the residence, (b)(6),(b)(7)(C) pulled up to the residence. One of the officers asked him where did he live and he pointed toward the apartment. An officer asked him for identification and he said it was inside the apartment. He wanted to go inside to get the identification and he gave the officers consent to go inside the apartment with him and retrieve his identification. Once inside there were several other people in the apartment. (b)(6),(b)(7)(C) went and got his identification.

(b)(6),(b) admitted he was illegal in the U.S. so he was arrested along with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

Q. Who were the officers present that day at that address?

A. Myself, DOs (b)(6),(b)(7)(C)

Q. What were the officers wearing that day and did they ID themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Was there language communication between all parties?

A. English and Spanish. Communication was good.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000423

Q. Where was the vehicle located that (b)(6),(b)(7)(C) was getting in to? Was it in the front of his apartment or the rear? Was he in the vehicle or was he getting inside the vehicle?

A. The I-213 states the vehicle was behind the residence, but actually it could be considered in front. There is a door on each side of the apartment.

Q. Which officer initially spoke with (b)(6),(b)(7)(C) In what language did they speak?

A. Not right off. I don't recall.

Q. Who were the officers that went to the apartment and knocked on the door?

A. It seems like the majority of the team went in.

Q. What happened when the officers knocked on the front door?

A. The officers did not knock on the front door. (b)(6),(b)(7)(C) went in his residence and allowed us to follow him inside. This is the best I can recall.

Q. Who gave the officers authorization to enter that residence?

A. (b)(6),(b)(7)(C) I witnessed this authorization.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) If so, who prepared it? Did it list the person who authorized the entry and search?

A. No. He was not on the target list.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Do you know which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. No.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000424

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was fed?

A. No.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to Dekalb County Jail by Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C)

Q. Was (b)(6),(b)(7)(C) on the target list for the operation?

A. No.

Q. Is there anything you would like to add?

A. All involved officers acted in a professional manner and all policies and procedures were followed.

END QUESTIONS FOR (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ***FORT PAYNE, ALABAMA.***

(b)(6),(b)(7)(C)
FORT PAYNE, ALABAMA

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) **Fort Payne, Alabama?** If so, what was the purpose?

A. We were looking for (b)(6),(b)(7)(C) Who was on the target list.

Q. What happened after you arrived at that residence? Explain in detail.

A. DO (b)(6),(b) knocked at the door and made contact with the residents. I was standing off of the porch, but could hear consent given to enter the residence. I did not see who gave consent, but I could hear a female voice. Entry was made into home after receiving consent. DO (b)(6),(b)(7)(C) entered first, I entered second and DO (b)(6),(b)(entered third. We were told that (b)(6),(b) was not in the residence and that we could look around. We heard and saw (b)(6),(b hiding behind the A/C and furnace unit, and he eventually came out. There were children present but none were interrogated or arrested.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000425

(b)(6),(b)(7)(C) was hiding in the furnace and everyone was in the place was trying to hide him. They were telling us to look around. That is when we found him hiding in the furnace.

Q. Who were all the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement

Q. Was there proper language communication between all parties?

A. Yes. English and Spanish.

Q. Which officer knocked on the front door of the residence?

A. DO (b)(6),(b)(7)(C)

Q. Do you know who opened the front door?

A. No, but it was a female from hearing her voice..

Q. What happened after the front door was opened?

A. The door opened and there was conversation at the door. We asked where (b)(6),(b)(7)(C) was and they said they did not know, but we were told we can come in and search.

Q. Who gave authorization to enter that residence? Was there Witnesses?

A. I don't know the name, but it was a female. It was documented on the I-213 tha (b)(6),(b)(7)(C) gave the permission. DO (b)(6),(b)(7)(C) did the I-213.

Q. What happened after the officers entered the residence?

A. After receiving consent to search the residence, we went inside and started looking around. That is when we noticed that there was a noise coming from the furnace. Upon checking further we found (b)(6),(b)(7)(C) hiding and was taking into custody.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000426

Q. Did an officer speak with a 12 year old female named (b)(6),(b)(7)(C) If so, who was the officer and what was said?

A. The only time I remember a young girl talking was because she was trying to translate English to Spanish for the occupants. That is all I heard.

Q. Did an officer tell (b)(6),(b)(7)(C) not to lie to him, or he will take her and her whole family away?

A. I never heard anything like that. My team has never talked like that to anyone.

(b)(6),(b)(7)(C)

Q. Did (b)(6),(b) tell the officer where her father (b)(6),(b)(7)(C) was located? If so, what happened next?

A No. I did not.

(b)(6),(b)(7)(C),(b)(7)(E)

A. At no time did I see this. Again, it would not be tolerated.

Q. Did you see an officer grab the 12 year old female, and threaten her in any way?

A. No. That never happened.

Q. Did the officers get permission to go into the bedroom and search where (b)(6),(b)(7)(C) was located? If so, who gave permission?

A. No. He was not in the bedroom. He was hiding in the furnace. He was found in the furnace not the bedroom.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) ? If so, who prepared it?

A. Yes. He was a target

Q. Did (b)(6),(b)(7)(C) eported any injury that he received during the arrest? If so, who was the officer he complained to?

A No. In the I-213 he claimed to be in good health.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000427

Q. Did (b)(6),(b)(7)(C) state that the handcuffs were placed on him too tight?

A. I never heard him say anything about handcuffs.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't know.

Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) when he was fed?

A. No. I am unaware of this.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to Dekalb County Jail by Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C)

Q. Was (b)(6),(b)(7)(C) on the target list?

A. Yes he was.

Q. How many people were arrested from the residence that day?

A (b)(6),(b)(7)(C)

Q. Is there anything you would like to add?

A. Again, all involved officers acted in a professional manner and all policies and procedures were followed. Also, occupants of the residence gave false information to ICE officers and attempted to harbor and conceal the whereabouts of (b)(6),(b)(7)(C)

As far as talking with juveniles, based on our 4th Amendment training the only time we speak with juveniles would be in casual conversation such as asking where their parents are or what their age is. We do not interrogate juveniles and we do not accept consent to enter or search a residence from juveniles. We do not threaten or terrorize juveniles or anyone. As a (b)(6),(b)(7)(C) I try to

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000428

ensure that my team is as professional and courteous as possible not only to juveniles, but to everyone.

END QUESTIONS FOR (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) ***, FORT PAYNE, ALABAMA.***

(b)(6),(b)(7)(C) ***FORT PAYNE, ALABAMA***

Q. On December 11, 2011, during the operation, did you and other officers go to (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

Yes. We were looking fo (b)(6),(b)(7)(C). I believe it was me who knocked on the door (b)(6),(b)(7)(C) answered the door. We asked him what trailer was this and he did not know he had to look outside to get the number. I showed him a photo of (b)(6),(b)(7)(C) and he said he did not know her and that no women lived in this house. He then said we can come in and look.

After getting permission to enter the residence, I along with (b)(6),(b)(7)(C) went inside. We looked around the residence and verified that no one else was there. He showed us identification and stated he was arrested one time at the border. He was arrested for being in the U.S. illegally.

Q. Who were all the officers present that day at that address?

A. Myself, DO (b)(6),(b)(7)(C)

Q. What were the officers wearing that day, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified ourselves as law enforcement

Q. Was there proper language communication between all parties?

A. Yes. English and primarily Spanish.

Q. Which officer knocked on the front door of the residence?

A. I was.

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000429

Q. Do you know who opened the front door?

A. (b)(6),(b)(7)(C)

Q. Who gave authorization to enter that residence? Was there Witnesses?

A (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) was there with me.

Q. Did you or any other officer see a photo of two females in a frame setting on a television set?

A. No. No other officer said anything to me. There were no female photos that I remember seeing in the residence.

Q. Did you or any officer make a comment about two young girls in a picture frame such as "that is two good looking pussies?"

A. Definitely No. I didn't see any photos of females at all.

Q. Did you or any other officer use the bathroom in (b)(6),(b)(7)(C) residence.

A. No. I did not and to the best of my knowledge no one else did. That is not normal practice for us to do. We don't use the bathroom at an alien's house.

Q. Did you or any other officer say that you were going to take him to get fingerprints and then bring him back home?

A. I don't recall that being said.

Q. Was there a Filed Office Work (FOW) Sheet prepared for (b)(6),(b)(7)(C) ? If so, who prepared it?

A. No. He was not a target

Q. Did (b)(6),(b)(7)(C) reported any injury that he received during the arrest? If so, who was the officer he complained to?

A No. In the I-213 he claimed to be in good health.

Q. Did (b)(6),(b)(7)(C) state that the handcuffs were placed on him too tight?

A. No.

Q. Which officer transported (b)(6),(b)(7)(C) to Chattanooga?

A. I don't recall. It would have been (b)(6),(b)(7)(C)

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000430

Q. Which officer processed (b)(6),(b)(7)(C) in Chattanooga?

A. DO (b)(6),(b)(7)(C)

Q. Which officer fed (b)(6),(b)(7)(C) in Chattanooga?

A. I don't know.
Q. Do you know if the officer threw a Sandwich on the floor toward (b)(6),(b)(7)(C) Soto when he was fed?

A. No. I am unaware of this.

Q. What happened after (b)(6),(b)(7)(C) was processed in Chattanooga?

A. He was transported to Dekalb County Jail by Dekalb County Deputies. (See SIEA (b)(6),(b)(7)(C)

Q. Was (b)(6),(b)(7)(C) on the target list?

A. No.

Q. Is there anything you would like to add?

A. Again, all involved officers acted in a professional manner and all policies and procedures were followed. Also, occupants of the residence gave false information to ICE officers and attempted to harbor and conceal the whereabouts of (b)(6),(b)(7)(C)

I have read the foregoing statement consisting of 26 page(s), each of which I have signed or initialed. I fully understand this statement and it is true, accurate and complete, to the best of my knowledge and belief. I made corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact ICE OPR. I made this statement freely and voluntarily, without and threats or rewards or promises of reward having been made to me in return for it.

Subscribed and sworn to before me this 7th day of February 2012.

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

(b)(6),(b)(7)(C)

Special Agent
Immigration and Customs Enforcement
Office of Professional Responsibility

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000432

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

COUNTY OF JEFFERSON
STATE OF ALABAMA

AFFIDAVIT

I, (b)(6),(b)(7)(C) being first duly sworn, hereby depose and state as follows:

I am a (b)(7)(E) Detention and Deportation Officer (SDDO) with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), assigned to the (b)(6),(b)(7)(C) in Birmingham, Alabama. I have been employed in this capacity since (b)(7)(E). As part of my official duties, I am assigned to locate and arrests fugitive aliens with outstanding orders of removal as well as the enforcement of other statutes.

On Decembe(b)(6) 2011, the (b)(6 attempted to locate (b)(6),(b)(7)(C) (b)(6),(b)(7)(at his place of residence at (b)(6),(b)(7)(C) Scottsboro, AL 35768, as a part of operation (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) is a fugitive alien with a final order of removal dated April 29, 1997.

(b)(6),(b)(7)(C) is a native and citizen of Mexico who illegally entered the United States in 1993. (b)(6),(b)(7)(C) was issued a Notice to Appear and placed into removal proceedings before Immigration Judge. (b)(6),(b)(7)(C) was ordered removed from the United States to Mexico on April 29, 1997. had not appealed this decision and his order of removal from the United States was final.

On December 9, 2011, I along with Deportation Officer (DO) (b)(6),(b)(7)(C) positively identified (b)(6),(b)(7)(C) leaving the residence at (b)(6),(b)(7)(C) Scottsboro, AL 35768.

(b)(6),(b)(7)(C) was encountered inside his vehicle parked in his driveway. He was accompanied by his U. S. Citizen wife and children. We identified ourselves, positively identified (b)(6),(b)(7)(C) and explained the details of the case.

(b)(6),(b)(7) wife provided an I-130 receipt (Petition for Alien Relative) from the vehicle glove compartment, and stated that she had additional documentation inside the residence.

(b)(6),(b)(7)(C) and his wife mutually agreed to allow DO (b)(6),(b)(7) and I to enter the residence with them as they attempted to locate additional immigration documents. The (b)(6),(b)(7) had no additional documents to indicate relief from the removal order and (b)(6),(b)(7)(C) was taken into custody.

(b)(6),(b)(7)(C) was transported to Chattanooga ERO office for processing.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C)

Affiant

before me this 8th day of May 2012.

(b)(6),(b)(7)(C) Deportation Officer

Title of witness
U.S. Immigrations and Customs Enforcement
Birmingham, Alabama

(b)(6),(b)(7)(C) Deportation Officer

Title of witness
U.S. Immigrations and Customs Enforcement
Birmingham, Alabama

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000434

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

COUNTY OF JEFFERSON
STATE OF ALABAMA

AFFIDAVIT

I, (b)(6),(b)(7)(C) being first duly sworn, hereby depose and state as follows:

I am a (b)(6),(b)(7)(C) Deportation Officer (SDDO) with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), assigned to the (b)(6),(b)(7)(C) in Birmingham, Alabama. I have been employed in this capacity since (b)(7)(E) As part of my official duties, I am assigned to locate and arrests fugitive aliens with outstanding orders of removal as well as the enforcement of other statutes.

On December 11, 2011, ERO Birmingham, AL (b)(6),(b)(7)(C) attempted to locate (b)(6),(b)(7)(C) at her place of residence at (b)(6),(b)(7)(C) Fort Payne, AL 35967 as a part of operation (b)(6),(b)(7)(C) (b)(6),(b)(7)(was not located but (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) was encountered outside the residence.

(b)(6),(b)(7)(C) is a native and citizen of Mexico who was previously removed from the U.S. on August 5, 2008. (b)(6),(b)(7)(C illegally reentered the U.S. and is subject to his previous removal order.

On December 11, 2011, I along with Deportation Officer (DO) (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) encountered (b)(6),(b)(7)(C) outside the residence at (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Fort Payne, AL 35967. We identified ourselves and asked for information about the residents. (b)(6),(b)(7)(C) provided his identification and was positively identified as an alien who had illegally entered the U.S. after being previously removed to Mexico. (b)(6),(b)(7)(C) had no documents to indicate relief from the removal order and he was taken into custody.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C)

Affiant

before me this day,

5/14/2012

(day, month, year)

(b)(6),(b)(7)(C)

Deportation Officer
U.S. Immigrations and Customs Enforcement

(b)(6),(b)(7)(C)

Deportation Officer
U.S. Immigrations and Customs Enforcement

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT

COUNTY OF JEFFERSON
STATE OF ALABAMA

AFFIDAVIT

I, (b)(6),(b)(7)(C) being first duly sworn, hereby depose and state as follows:

I am a (b)(6),(b)(7)(Detention and Deportation Officer (b)(6),(b) with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), assigned to the (b)(6),(b)(7)(C) in Birmingham, Alabama. I have been employed in this capacity since December 2008. As part of my official duties, I am assigned to locate and arrests fugitive aliens with outstanding orders of removal as well as the enforcement of other statutes.

On December 9, 2011, the (b)(6 attempted to locate (b)(6),(b)(7)(C) (b)(6),(b) at his place of residence at (b)(6),(b)(7)(C) Scottsboro, AL 35768, as a part of operation Return to Sender (RTS). (b)(6),(b)(7)(C) is a fugitive alien with a final order of removal dated April 29, 1997.

(b)(6),(b)(7) is a native and citizen of Mexico who illegally entered the United States in 1993. (b)(6),(b)(7)(was issued a Notice to Appear and placed into removal proceedings before Immigration Judge. (b)(6),(b)(7)(C) was ordered removed from the United States to Mexico on April 29, 1997. had not appealed this decision and his order of removal from the United States was final.

On December 9, 2011, I along with Deportation Officer (DO (b)(6),(b)(7)(C) positively identified (b)(6),(b)(7)(leaving the residence at (b)(6),(b)(7)(C) Scottsboro, AL 35768.

(b)(6),(b)(7) was encountered inside his vehicle parked in his driveway. He was accompanied by his U. S. Citizen wife and children. We identified ourselves, positively identified (b)(6),(b)(7)(and explained the details of the case.

(b)(6),(b)(7 wife provided an I-130 receipt (Petition for Alien Relative) from the vehicle glove compartment, and stated that she had additional documentation inside the residence.

(b)(6),(b)(7) and his wife mutually agreed to allow DO (b)(6),(b)(7)(C) and I to enter the residence with them as they attempted to locate additional immigration documents. The (b)(6),(b)(7)(C) had no additional documents to indicate relief from the removal order and (b)(6),(b)(7)(was taken into custody.

(b)(6),(b)(7)(C) was transported to Chattanooga ERO office for processing.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to by

(b)(6),(b)(7)(C)

before me this 8th day of May 2012.

(b)(6),(b)(7)(C) Deportation officer

U.S. Immigrations and Customs Enforcement
Birmingham, Alabama

(b)(6),(b)(7)(C) Deportation officer

Title of witness
U.S. Immigrations and Customs Enforcement
Birmingham, Alabama

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

DISCLOSURE WARNING FOR NON-BARGAINING UNIT EMPLOYEES

WARNING TO NOT DISCLOSE INVESTIGATIVE INFORMATION

You are being interviewed as part of a continuing official investigation by the U.S. Immigration and Customs Enforcement, Office of Professional Responsibility. As this investigation is sensitive in nature, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel. Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

I, (b)(6),(b)(7)(C) have read and understand
(Employee's Name)

the above warning.

(b)(6),(b)(7)(C)

Date 2/24/12

ICE Form 70-029 (08/09)

DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	001

PREPARED BY

(b)(6),(b)(7)(C)

3. TITLE

EMPLOYEE, UNKNOWN/Unknown/Unknown/FORT PAYNE, DE KALB, AL

4. FINAL RESOLUTION

5. STATUS	6. TYPE OF REPORT	7. RELATED CASES
Initial Report	Allegation	

8. TOPIC

ICE Agents allegedly raided homes without permission and terrorized families. AL

9. SYNOPSIS

On December 19, 2011, the Joint Intake Center (JIC) received information from (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by ICE Agents in Alabama. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

10. CASE OFFICER (Print Name & Title)	11. COMPLETION DATE	14. ORIGIN OFFICE
(b)(6),(b)(7)(C) - Joint Intake Specialist	19-DEC-2011	Joint Intake Center
12. APPROVED BY(Print Name & Title)	**13. APPROVED DATE**	**15. TELEPHONE NUMBER**
(b)(6),(b)(7)(C) JIC Supervisor	19-DEC-2011	No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER	2. REPORT NUMBER
201203098	001

PREPARED BY

(b)(6),(b)(7)(C)

10. NARRATIVE

On December 19, 2011, the JIC received information from (b)(6),(b)(7)(C) in Montgomery AL, who reported (b)(6) concerns about raids conducted by ICE Agents in Alabama. (b)(6),(b)(7) alleged that armed ICE Agents went into trailer parks and apartment complexes in the Fort Payne and Collinsville, AL areas, entered homes in Latino communities without permission and subsequently terrorized families.

(b)(6),(b)(7)(C) letter dated December 16, 2011 is attached to the case file.

DEPARTMENT OF HOMELAND SECURITY	1. CASE NUMBER
	201203098
	PREPARED BY
	(b)(6),(b)(7)(C)
REPORT OF INVESTIGATION	2. REPORT NUMBER
Exhibit List	
HB 4200-01 (37), Special Agent Handbook	001

None

Homeland Security Investigations
Office of the Special Agent in Charge

601 West 26th Street, Suite 700
New York, NY 10001

Homeland Security

OCT 24 2013

MEMORANDUM FOR: (b)(6),(b)(7)(C) Unit Chief
Management Oversight
Investigative Support Unit

THROUGH: (b)(6),(b)(7)(C)
Homeland Security Investigations, New York

FROM: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Group Supervisor
Homeland Security Investigations, New York

SUBJECT: Investigative Finding- Management Referral
Special Agent (b)(6),(b)(7)(C)
File Number 201311732

Executive Summary:

On September 23, 2013 (b)(6),(b)(7)(C) was assigned Management Referral #201311732 by Homeland Security Investigations New York (HSI NY), Special Agent in Charge (SAC) (b)(6),(b)(7)(C) The Management Referral alleged that on January 31, 2011, Special Agent (SA) (b)(6),(b)(7)(C) of the HSI NY office conducted an unauthorized search of a residence.

Details of Inquiry:

On August 14, 2013, the Joint Intake Center received an email from Deputy Special Agent in Charge (DSAC) (b)(6),(b)(7)(C) reporting that SA (b)(6),(b)(7)(of the HSI NY office allegedly conducted an unauthorized search of a residence pursuant to a search warrant received out of the Eastern District of New York (EDNY). The circumstances surrounding the incident, as detailed in the report filed, are as follows:

On January 24, 2011, SA (b)(6), submitted an affidavit in support of a search warrant in the EDNY for alleged violations of child pornography at a location described as (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Brooklyn, NY 11229. SA Raab stated in the supporting affidavit that the internet provider (IP) address Cablevision registrant was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C), Brooklyn, NY 11229. The premises described in the affidavit for the search warrant was described as follows:

however, the affidavit and search warrant here provided that the apartment to be searched was (b)(6),(b)(7)(C) and made no reference to defendant's apartment being "downstairs."

Second, the government argues that Agent (b)(6),(b)(7)(C) supporting affidavit in this case, unlike the supporting affidavit in *Voustianiouk*, "makes clear that the apartment to be searched is the one in which the target (b)(6),(b)(7)(C) resided." (*Id.* at 9.) Specifically, Agent (b)(6),(b)(7)(C) affidavit in this case stated (i) that Cablevision had advised that the subscriber to the IP address that agents had connected to child pornography was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Brooklyn, New York 11229," (Supporting Aff. ¶ 19), (ii) that the Con Edison bill for the "subject premises," described in part as (b)(6),(b)(7)(C) was in the name of (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) (*id.* ¶20), and (iii) that a tenant residing at (b)(6),(b)(7)(C) had stated that (b)(6),(b)(7)(C) and his mother live in (b)(6),(b)(7)(C) *id.*). Thus, the government argues, "after reading the (b)(6),(b)(7)(Affidavit, Magistrate Judge Azrack intended agents to search the apartment downstairs to the right, where (b)(6),(b)(7)(C) resided, and agents in fact searched the apartment downstairs to the right, where (b)(6),(b (b)(6),(b)(7)(C) resided." (Gov't Post-Hearing Mem. at 10.) The court disagrees that any of the foregoing references in Agent

ICE 2014-FOIA-01578.006058

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000444

(b)(6),(b)(7)(C) and visited the defendant's neighbor to determine the precise location of the residence of (b)(6),(b)(7)(C). (*Id.* at 7.). In addition, the government incorrectly asserts that the warrant reflects "an accurate description of the subject premises as the apartment downstairs to the right resided in by (b)(6),(b)(7)(C). (Gov't Post-Hearing Resp. at 7-8.)

The first part of the court's analysis is whether the agents reasonably relied on the warrant's description of the premises in conducting a search of defendant's apartment.

As a preliminary matter, in the Second Circuit, "unincorporated, [and] unattached supporting documents [cannot] cure an otherwise defective search warrant." *See Rosa*, 626 F.3d at 64. A review of the warrant demonstrates that it does not contain the "deliberate and unequivocal language" required in this Circuit to incorporate Agent (b)(6),(b)(7)(C) supporting affidavit. *Cohan*, 628 F. Supp. 2d at 363. The warrant only mentions the supporting affidavit as part of the boilerplate statement that Magistrate Judge Azrack was "satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant." (Search Warrant at 1.) The warrant's only attachment was "Attachment A," *i.e.*, a list of things and records to be seized at the subject premises. (*Id.*)

ICE 2014-FOIA-01578.006059

ICE 2014-FOIA-01578 May 22, 2015 Re-Release.000445